#### CITY OF ROCHESTER COUNCIL AGENDA COUNCIL/BOARD CHAMBERS GOVERNMENT CENTER 151 4<sup>TH</sup> STREET SE

MEETING NO. 17 REGULAR ADJOURNED JULY 21, 2003 7:00 P.M.

## **PLEDGE OF ALLEGIANCE**

A)	NONE: OPEN COMMENT PERIOD
B)	CALL TO ORDER
C)	LETTERS AND PETITIONS
	1) APPROVED: Certificate of Commendation – Wastewater
	Treatment Facility Staff
	2) <b>APPROVED:</b> Petition for Noise Wall – 28 <sup>th</sup> Street and 19 <sup>th</sup> Avenue NW
D)	CONSENT AGENDA/ORGANIZATIONAL BUSINESS
	1) APPROVED: Approval of Minutes
	2) <b>APPROVED:</b> Legislative and Consulting Services – Dunlap & Seeger
	3) <b>APPROVED:</b> One year extension of the terms of the Fire Service Contract between the City of Rochester and the 4 surrounding townships
	4) <b>APPROVED:</b> Lease – Old Fire Station #3
	5) <b>APPROVED:</b> Approval of settlement agreement and mutual releases with Midstate Services, Inc., for the 41 <sup>st</sup> Street NW stormwater pond project (J-2467)
	6) <b>APPROVED:</b> Licenses, Bonds & Miscellaneous Activities
	7) <b>APPROVED:</b> Amend Chapter 125A.03, Subd. 5 on Limitations on the Number of Intoxicating Liquor Licenses issued to One Person
	8) APPROVED: Approval of Accounts Payable
	9) APPROVED: Request by Samaritan Bethany, Inc., for Council to authorize exception to minimum increment policy on the conduit debt
	10) <b>APPROVED:</b> Credit Change Order #5 – Fire Station #3
	B) C)

37-40	11)	APPROVED: Orderly Annexation #03-18 by Greg Munson to
		annex approximately 10.19 acres of land located south of Harbor
		DrIve SE and east of Sunrise Avenue SE within Rose Harbor Second Subdivision
41-42	12)	APPROVED: Rochester/Olmsted Public Safety Technology
	,	Grant
43-44	13)	APPROVED: Donation to Police Explorer Unit
45-46	14)	APPROVED: Donation to Police Honor Guard
47-48	15)	<b>APPROVED:</b> 2003 Federal Homeland Security
	,	Equipment/Exercise Grant – Part 1
49-50	16)	<b>APPROVED:</b> Professional Engineering Service Agreement for
		Design of Water Reclamation Plan Expansion J-4390
51-52	17)	<b>APPROVED:</b> Award of Contract: (J9714) Street
		Reconstruction on 23 <sup>rd</sup> Avenue SW
53-54	18)	APPROVED: Amendments to State of Minnesota 2003 Transit
		Assistance Contracts
55-56	19)	APPROVED: Award Bid for Restoration Work / First Street
		Parking Ramp J2580
57-58	20)	APPROVED: Connection Agreement – David & Michelle
		Lapointe
59-60	21)	<b>APPROVED:</b> Professional Services Agreement, Traffic Signal
		55 <sup>th</sup> Street NW at Chateau Road NW / Northwest Plaza entrance,
61-62	22)	J6004
01-02	22)	<b>APPROVED:</b> Award of Contract, Traffic Signal 55 <sup>th</sup> Street NW
63-64	23)	at TH 52 W Frontage Rd / Clearwater Rd NW, J6389
65-66		APPROVED: Stormwater Management Agreements
05-00	24)	APPROVED: Owner Contract – Stormsewer, Watermain &
67-68	25)	Hydrant to Serve the Rochester Off Campus School – J5088
07-00	23)	<b>APPROVED:</b> Owner Contract – Basic Construction in Crimson Ridge Subdivision – J5081
69-70	26)	
	,	<b>APPROVED:</b> Owner Contract – Watermain & Hydrant(s) to Serve Circle Drive Business Center Fourth – J5043
71-72	27)	<b>APPROVED:</b> Owner Contract – Basic Construction in
	,	Kingsbury Hills Fifth – J5062
73-74	28)	<b>APPROVED:</b> Owner Contract – Basic Construction in
	,	Kingsbury Hills Fourth – J5051
75-76	29)	APPROVED: Owner Contract – Basic Construction in
	-	Fieldstone – J5089
77-78	30)	APPROVED: Award of Contract: Sanitary Sewer to Serve
		Sewer Service Area 28J, J7702

31) APPROVED: Supplemental Agreement #9 Project 9408 (J2247) T.H. 14/52 Design Build E) **HEARINGS** 81-82 1) **CONTINUED TO AUGUST 4:** Continued Hearing on Land Use Plan Amendment Petition #03-04 by Morris Memorial LLC and Allen Koenig to amend Land Use Plan from Low Density Residential to Industrial on property located along the west wide of TH 63, east of East River Road NE and north of 41st Street NE. 83-84 2) **CONTINUED TO AUGUST 4:** Continued Hearing on Zoning District Amendment #03-09 by Morris Memorial LLC and Allen Koenig to rezone land from the I District to the M-1 District on property located along the west wide of TH 63, east of East River Road NE and north of 41st Street NE. 85-86 3) **CONTINUED TO AUGUST 4:** Continued Hearing on General Development Plan #206 by Morris Memorial LLC and Allen Koenig to be known as Morris Meadows 87-88 4) APPROVED: Consider the Establishment of Development District No. 26, Establish Development District Tax Increment Financing District No. 26-1, Adopt the Development Program for the Development District, and Adopt the Related Tax Increment Financing Plan. 89-90 5) APPROVED: Consider the Establishment of Development District No. 27. Establish Development District Tax Increment Financing District No. 27-1, Adopt the Development Program for the Development District, and Adopt the Related Tax Increment Financing Plan 91-104 6) APPROVED: Zoning District amendment #03-11 by Big De Development to Rezone Land to the R-2 District located east of the Bandel North First Subdivision and north of the Boulder Ridge Second Subdivision. 105-128 **APPROVED:** General Development Plan #210 by Big De 7) Development to be known as Bandel North Second and Third 129-140 8) **APPROVED:** Zoning District Amendment #03-12 by West 19th Development to Rezone Land to the R-2 District located east of 60th Avenue NW, north of 19th Street NW and west of Circle 19 Plaza Second Subdivision 9) **APPROVED:** General Development Plan #211 by West 19th 141-170 Development to be known as West 19th Development 171-184 10) **APPROVED:** Zoning District Amendment #03-13 by Greg Munson to Rezone Land From the I District to the R-1 District on property located south of Harbor Drive SE and east of Sunrise

Avenue SE.

79-80

- APPROVED: General Development Plan #212 by Greg Munson to be known as Turkey Draw
   APPROVED: Land Subdivision Permit #03-17 by R & L Partnership to be known as Scenic Oaks Third Addition
   APPROVED: Final Plat #03-22 to be known as Chateau First Replat by GAC & M Properties, LLC,
  - F) REPORTS AND RECOMMENDATIONS
- 237-238 1) **APPROVED:** Development Assistance Agreement with DeWitz Construction for the single family home construction in Rose Harbor Estates Subdivision
- 239-240 2) **APPROVED:** Development Assistance Agreement with Bigelow & Sons Enterprises Inc., for the single family home construction in Kingsbury Hills Third Subdivision
  - G) RESOLUTIONS AND ORDINANCES

241-242

- H) TABLED ITEMS
- I) OTHER BUSINESS
- J) ADJOURNMENT

MEETING DATE: 7/21/03

AGENDA SECTION: OPEN COMMENT PERIOD	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO. A
ITEM DESCRIPTION: OPEN COMMENT PERIOD		PREPARED BY: S. KVENVOLD

This agenda section is primarily for the purpose of allowing citizens to address the City Council on a topic of their choice. The following guidelines apply:

- This section of the agenda may not be used as a forum to continue discussion on an agenda item which has already been held as a public hearing.
- This agenda section is limited to 15 minutes and each speaker is limited to 4 minutes.
- Any speakers not having the opportunity to be heard will be first to present at the next Council meeting.
- Citizens may only use this forum to address the Council on a maximum of one time per month.
- Matters currently under negotiation, litigation or related to personnel will not be discussed in this forum.
- Questions posed by a speaker will generally be responded to in writing.

COUNCIL ACTION: Motion by:	Second by:	to:



MEETING 3

•			DATE: <u>07/21/03</u>
GENDA SECTION: Letters & Petitions	ORIGINATING DE Mayor's Office		ITEM NO.
TEM DESCRIPTION: Certificate of Commendation	on - Wastewater Treatment	Facility Staff	PREPARED BY: Mayor Brede
Mayor Ardell Brede will recognize the and management of the Wastewater	e exemplary effort for the or Treatment Facility during	outstanding oper 2001 and 2002.	ation, maintenance
	n man and a second a	ar Arabid	
COUNCIL ACTION: Motion by:	Second by:	to:	



MEETING 5

	IVEROF	<u>-0110100</u>	CHOIL ACTION	•	DATE: <u>7/7/03</u>
AGENDA SECTION			ORIGINATING DEPT:		ITEM NO.
Letters and	Petitions		City Clerk		C-Z
ITEM DESCRIPTION	N: Petition for Noise Wa	all - 28 <sup>th</sup> Street a	nd 19 <sup>th</sup> Avenue N.W.		PREPARED BY: Judy Scherr
City Cou Road and	on was received from citiz ancil to look at the detern d Highway 52. tioners feel that as a resul	nination if a nois	e wall should be erect	ted along the F	rontage
COUNC	IL ACTION REQUEST	<u>'ED</u>			
A motion	n to refer the petition to the	he Public Works	Department for a fea	sibility study.	
COUNCIL ACTIO	ON: Motion by:	Second	by:	to:	

# 28<sup>th</sup> St. NW & 19<sup>th</sup> Ave. NW Noise Wall Petition

To the Honorable Rochester City Council Member Sandra Means and other City Council Members:

The petition of the undersigned citizens, living on 28<sup>th</sup> Street NW and on 19<sup>th</sup> Avenue NW, within the Sixth Ward of Rochester, Minnesota, requests the City Council to take an active role to determine if a standard noise wall along Frontage Road and Highway 52, in our area of Rochester, should be erected.

Homeowners and residents are under threat, due to further noise pollution, as a result of the Rochester Highway 52 expansion project. The expansion project and the present decision to not place a standard noise wall in this area will adversely affect 48 homes and many more residents.

Your petitioners therefore hope that consultations are undertaken with all affected parties to determine the need for noise walls, and to recognize that standard noise walls will add to the amenity of our neighborhood.

The petitioners ask that the following factors be taken into consideration by the City Council, in helping to amend the noise wall plans for 28<sup>th</sup> Street NW and 19<sup>th</sup> Avenue NW:

Number of homes and residents to be affected by the absence of a noise wall.

Possible home value reduction

Aesthetic impact on area

Do further research into "cost-benefit analysis" for the area of 28<sup>th</sup> St. NW and 19<sup>th</sup> Avenue NW, with special emphasis on the Stevens Court complex consisting of 24 condominiums, and the 22 near-by townhomes.

Provide to the affected property owners, and other interested parties, actual documentation outlining data collected, and where and how this data was gathered and used in arriving at a decision concerning a noise wall.

Justify the final decision, concerning the erection of a noise wall, keeping in mind that Rochester citizens living in these 48 dwellings are also faced with an approximate 12% increase in proposed real estate taxes.

Respectfully submitted by your petitioners.

To Sandra Means:

Notations concerning the gathering of signatures for the noise wall petition:

The 38 signatures on this petition represent 79 percent of the 48 dwellings located within the area of 28<sup>th</sup> St. NW and 19<sup>th</sup> Ave. NW, in the Sixth Ward of Rochester.

These signatures were gathered on the evening of July 2<sup>nd</sup> and the afternoon of July 3<sup>rd</sup>. This was not an ideal time for finding residents at home, due to the upcoming holiday weekend.

Every individual resident contacted was anxious to sign the petition, due to the present noise pollution from Highway 52 and the Frontage Road.

One individual, in Stevens Court, informed us that she would be moving, at the end of July, because she could no longer tolerate the noise from highway traffic.

We would suggest that Council members take the time to visit this area on a regular business day, especially during early morning or late afternoon traffic. The residents located in Stevens Court are very vulnerable now, and will be further compromised with two more lanes of traffic.

We have been told that the removal of one dwelling, behind Park Place Motors, has "changed the formula", which determined that noise wall would not be built here.

Also, a project coordinator informed us that "The Rochester City Council has taken a positon, not to take a positon." This would seem to leave this group of Rochester taxpayers without any form of representation concerning this project.

# 28th St., NW Noise Wall Petition

7.1.03

NAME (28th Street NW cor	nmunity only)	ADDRESS	SIGNATURE
1 Junely Flore	2842	19th De 111	1 Devely Theren
2-Vatricia Sac		6 19 th ave Nu	()
3 Jue OLS	·	e 19th Ave. NW.	Sue Olsen
4 herry leuni		-C 19th Ave Niw	Koring Leuning
5 James Poscine	2 2825	-C 19th Ave NW -D got Ave NC	James Rosang
6 10/00 Wiggs	2825	-D ALL ALL NO	
7 Sonja Dahl		C 19th AVE NW	Songett Date
8 Theresa Imha		-D 19th Ave Nu	
9 Sue Hodge	7817 1	3 19th AVENW	See Hodge
10 Robert Sallach	t 2841-A	19th Ace NW	Befort Schlockt
12 Jen O'Connell	2841D	19th Am NW	Je Olomuse
12 Janes Gile	5 0841-1	3/944 Ave Nu	
13 KtK. Hang	2841 (	19th Aug NW	holk. Hauge
14 King Deding	23010	19th AUE NW	By Siding
15 Pam Herbe		> 19 Ave NW	HamHerber
16 Leona Trek		19th Ave. N. W.	Jeona Dicka
17 Thomas MWI	ISON 2828	19th Ave N.W.	Thomas M Wilson
- 18 JANET WILGON		19th AVENW	Yant Miler
19 Jou June	l 2840	19 Mul N.W.	Lou Lund
20 CLAYTON L	UND 2840	19th Cen. NO.	Clastor dus
21 BITA FIX	2836	19th AVENU	Tila Tip
122 Marie De	nske 283	0 19th Ave N	W Mane Techo
23 Robert D	Sorge 22	746 19th aun.	w. lobet & Joeger
/24 Lauri Juono	ma ?	>34 19 th Ave N	IW Laine Junemon
25 Kiz Munday	281	1 15 19th AVE NW	Roc [lizabeth R. Wetty

# 28th St., NW Noise Wall Petition

7.1.03 26 May L. Bjecker St. 2801 A 19th Ave The 27 Jotlen Coffman 2833 D 19th AVE NW 34 37 38 41 42 47\_\_\_\_\_

Q

# 28th St., NW Noise Wall Petition

7.1.03

NAME (28th Street NW community only)	ADDRESS	SIGNATURE
1 Wes Dellman	1832 25th St. NW	Whall
2 Kimberly J Ickley	1830 28 StnW	Kimbelyetekla
3 Susan Wegman	1824. 28th St NW	Susan Wagman
4 Danie Schilling	1823 28 St Mi	
5 CAROL NURMI		Caral Neumi
6 ann Kingon	1835 28th 8f. M	) Con Lucy
7 Michael Heldebrant	1841 28th Str	ward.
8 Andy Gaplushi	1843 28 St N	——————————————————————————————————————
9 Roger J Budd	1840 28 ST NA	· · · · · · · · · · · · · · · · · · ·
10 Ballay Cinternin	1826 28 th St. NW	
11 Lindy Luhman	1838 284h St DW	Crist Suhman
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**MEETING** DATE: 7/21/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO. D-1-31
ITEM DESCRIPTION: APPROVAL OF CONSENT AGE	NDA ITEMS	PREPARED BY: G. NEUMANN

This RCA lists all the items which have been included in the consent agenda for this meeting. The Council can approve the items with a single motion to approve. The Council President will allow the Councilmembers an opportunity to whether there are any of these items which you wish to have removed from the consent agenda approval and to have discussed and acted upon separately by the Council.

The consent agenda for this meeting consists of the following RCAs:

- Approval of Minutes 1)
- 2) Legislative and Consulting Services – Dunlap & Seeger
- One year extension of the terms of the Fire Service Contract between the City of 3) Rochester and the 4 surrounding townships
- Lease Old Fire Station #3 4)
- Approval of settlement agreement and mutual releases with Midstate Services, 5) Inc., for the 41<sup>st</sup> Street NW stormwater pond project (J-2467)
- Licenses, Bonds & Miscellaneous Activities 6)
- Amend Chapter 125A.03, Subd. 5 on Limitations on the Number of Intoxicating 7) Liquor Licenses issued to One Person
- Approval of Accounts Payable 8)
- Request by Samaritan Bethany, Inc., for Council to authorize exception to 9) minimum increment policy on the conduit debt
- Credit Change Order #5 Fire Station #3 10)
- Orderly Annexation #03-18 by Greg Munson to annex approximately 10.19 acres 11) of land located south of Harbor Drive SE and east of Sunrise Avenue SE within Rose Harbor Second Subdivision
- Rochester/Olmsted Public Safety Technology Grant 12)
- Donation to Police Explorer Unit 13)
- Donation to Police Honor Guard 14)
- 2003 Federal Homeland Security Equipment/Exercise Grant Part 1 15)
- Professional Engineering Service Agreement for Design of Water Reclamation 16) Plan Expansion J-4390
- Award of Contract: (J9714) Street Reconstruction on 23<sup>rd</sup> Avenue SW 17)
- Amendments to State of Minnesota 2003 Transit Assistance Contracts 18)
- Award Bid for Restoration Work / First Street Parking Ramp J2580 19)
- Connection Agreement -- David & Michelle Langinte

20) Connection Agreement - David & Michelle Lapointe				
COUNCIL AC	TION: 1	Motion by:	Second by:	to:



Request for Council Action Page 2 July 21, 2003

21)	Professional Services Agreement, Traffic Signal 55 <sup>th</sup> Street NW at Chateau Road
,	NW / Northwest Plaza entrance, J6004
22)	Award of Contract, Traffic Signal 55 <sup>th</sup> Street NW at TH 52 W Frontage Rd /
•	Clearwater Rd NW, J6389
23)	Stormwater Management Agreements
24)	Owner Contract - Stormsewer, Watermain & Hydrant to Serve the Rochester Off
·	Campus School – J5088
25)	Owner Contract – Basic Construction in Crimson Ridge Subdivision – J5081
26)	Owner Contract - Watermain & Hydrant(s) to Serve Circle Drive Business Center
•	Fourth – J5043
27)	Owner Contract – Basic Construction in Kingsbury Hills Fifth – J5062
28)	Owner Contract – Basic Construction in Kingsbury Hills Fourth – J5051
29)	Owner Contract – Basic Construction in Fieldstone – J5089
30)	Award of Contract: Sanitary Sewer to Serve Sewer Service Area 28J, J7702
31)	Supplemental Agreement #9 Project 9408 (J2247) T.H. 14/52 Design Build

# **COUNCIL ACTION REQUESTED:**

Motion to approve consent agenda items

MEETING

	OR COCKCE AGTION	DATE: 7/21/03
AGENDA SECTION: Consent	ORIGINATING DEPT: Administration	ITEM NO.
ITEM DESCRIPTION: Legsilative And Consulting	Services - Dunlap & Seeger	PREPARED BY: G Neumann
In 2002 the Council entered into an agreer some legislative and governmental consulting session. It is proposed that the City again consulting services for the fall of 2003 and recommended and would be proposed at a \$7000 per month for the months of Januar \$50,000 for this contract period. The 2003	ting services including work for the Cit retain the services of Sandy Keith for lo d during the 2004 legislative session. A rate \$3000 per month for August throu y through May of 2004. The total retai	y during the 2003 legislative egislative and governmental A contract for services is 19th December of 2003 and 19th ner, not including expenses, is
Council Action Requested.  Approval to retain the services of Dunlap at Clerk to execute a contract with Dunlap ar		
Cicik to execute a contract with Dunlap at	id Seegei 101 ivit. Rolui 5 Services as ac	scribed above.
COUNCIL ACTION: Motion by:	Second by: to:	



MEETING

TE: 7/21/03

		DATE: <u>//21/03 •</u>
AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: City Administration	D-3
ITEM DESCRIPTION One year extension of the terms of the the City of Rochester and the 4 surrounding towns	ne Fire Service Contract between hips	PREPARED BY: T. Spaeth

In August 2000, the City of Rochester and the 4 surrounding townships (Cascade, Rochester, Marion, Haverhill) entered into a fire protection service contract that extends through December 31, 2004. Based upon some recent discussions with township representatives related to fire protection service issues, the parties concurred that it would be feasible for the terms of the existing agreement to be extended for an additional year (through December 31, 2005) in order to provide sufficient time for completion of a township fire service study being prepared for the townships by a consultant.

The staff recommends extending the terms of the agreement an additional year.

#### **COUNCIL ACTION REQUESTED:**

Adopt a resolution to prepare an amendment to the existing fire protection service agreement with the 4 townships to extend the term of the agreement through December 31, 2005.

COUNCIL ACTION: Motion by:	Second by:	to:	İ
COUNCIL ACTION. Motion by	Second by		



MEETING DATE: 7/21/03

AGENDA SECTION: Consent	ORIGINATING DEPT: Administration	D- H
ITEM DESCRIPTION: Lease - Old Fire Station #3		PREPARED BY: Doug Knott DK

This is a recommendation to lease the former Fire Station #3, located a t 1708 2<sup>nd</sup> Street SW, to Rochester Area Habitat For Humanity. Rent for the building would be \$1,000 per month. The rental period would run from August 1, 2003 to December 31, 2004. It could be continued beyond that date on a month to month basis at the option of the City. Habitiat would be responsible for utilities, maintenance of the property, and liability and content insurance.

Habitat's offices are currently located in space owned by Bethel Lutheran Church. The Church will be razing the building for expansion purposes and Habitat is in need of a new location. The station provides them with space for offices and for temporary material storage (in the old apparatus bay).

The station is located immediately adjacent to the Highway 52 reconstruction project. The intent is to lease the building for a period of time that roughly coincides with the completion of the construction work. At that time we would recommend selling the property. Construction activity in the area will periodically make access to the station property inconvenient.

The rental rate is below the market rate for similar size space. This is a function of the limited appeal of the site due to the adjacent construction work, the limited period of time we are willing to tie the property up with a lease, and the fact that that the tenant is taking the building in an "as is" condition.

#### **COUNCIL ACTION REQUESTED:**

Authorization to enter into a lease with Rochester Area Habitat for Humanity for the former Fire Station #3 located at 1708 2<sup>nd</sup> Street SW in accordance with the terms described above.

COUNCIL ACTION: Motion by:	Second by:	to:	



MEETING DATE: 7/21/0 21

<u>NEGO-OTT-OTT-O</u>	DATE: 7/21/03		
AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: City Attorney's Office	D-5	
ITEM DESCRIPTION: Approval of settlement agreemed Midstate Services, Inc. for the 41 <sup>st</sup> Street NW stormy	ent and mutual releases with vater pond project (J-2467).	PREPARED BY: David M Goslee	
Staff has been involved in resolving a dispute with Midstate Services, Inc., regarding the construction of City Project SW-M007, J-2467, Regional Storm Water Pond. This project created the series of stormwater ponds south of 41 <sup>st</sup> Street NW, north of IBM and west of Home Depot. Midstates ultimately offered a claim for \$308,000 above and beyond the payments it has received to date.  The City and Midstates entered into and completed mediation on July 16, 2003, and staff offers for your approval a settlement that calls for the City to make a final payment to Midstates in the amount of \$115, 219.30. The settlement also releases both parties from any other responsibilities under this contract. Midstates' was the low bidder for this construction project and a contract in the amount of \$386, 981.50 was awarded early in 2002. To date Midstates has been paid \$281,380.70 with the remaining balance withheld			
for retainage, liquidated damages for delay, and bidding documents. Payment of the negotiated amount less than \$10,000 more than the original contra	differences in quantities from the ount will make the total contract a	nose estimated in the	
COUNCIL ACTION REQUESTED: Approve the settlement and mutual release agreement and direct the Mayor and City Clerk to execute the same.			
COUNCIL ACTION: Motion by: Second	ond by: to:		



MEETING 27/21/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	CITY CLERK	D-6
ITEM DESCRIPTION: LICENSES, BONDS & MISCELLA	ANEOUS ACTIVITIES	PREPARED BY: DONNA J SCHOTT

The following licenses, bonds and miscellaneous activities are submitted for the Council's approvals or disapprovals. All are pending departmental approvals, the required insurance, bonds, fees and all outstanding debts with the City of Rochester.

#### **DANCE - TEMPORARY**

Aviary Restaurant
Annual Malibu Mania 7/25/03
4320 Hwy 52 N
Rochester, Mn. 55901

#### **FIREWORKS SALES**

Daniel Wagner DBA Wagner Fireworks
Rt 1 box 25
Lewiston, Mn. 55952
Sales at Olmsted County Fairgrounds Flea Markets

#### **GAMBLING**

Ruffed Grouse Society 146 Interlachen Ln NW Rochester, Mn. 55901 Raffle 9/4/03 AT Radisson Plaza Hotel 150 S. Bdwy

#### **SOUND PERMITS**

Rochester, Mn. 55904

Vacation Bible School Carnival

Coghill Care Inc.
220 S Bdwy #1602
Rochester, Mn. 55904
Family Inc. Picnic 7/26/03 6:00 PM to 10:00 PM
Central Park
Rochester Faith Tabernacle Church
804 E Center St

COUNCIL	ACTION: Motion by:	Second by:	to:	

8/6/03

6:00 PM to 7:30 Pm



# LICENSES, BONDS AND MISCELLANEOUS CITY ACTIVITIES PAGE 2 JULY 21, 2003

Desiree Brantmeier

4342 Knotting Hill Ln NW

Rochester, Mn. 55901

Going Away Party 7/16/03 3:00 PM to 11:00 PM

Foster Arend Park

(Prior Approvals: W Stobaugh, J Hunziker, S Means, D Hanson)

451<sup>st</sup> US Army Band

501 Roeder Circle

Fort Snelling, Mn. 55111

Tribute to Military Families Concert 7/19/03

Soldiers Field Memorial 3:00 PM to 6:00 PM

(Prior Approvals: W Stobaugh, J Hunziker, S Means, D Hanson

#### **MISCELLANEOUS**

Desiree Brantmeier

4342 Knotting Hill Ln NW

Rochester, Mn. 55901

Going Away Party 7/16/03 3:00 PM to 11:00 PM

Foster Arend Park

(Prior Approvals: W Stobaugh, J Hunziker, S Means, D Hanson)

451<sup>st</sup> US Army Band

501 Roeder Circle

Fort Snelling, Mn. 55111

Tribute to Military Families Concert 7/19/03

Soldiers Field Memorial 3:00 PM to 6:00 PM

(Prior Approvals: W Stobaugh, J Hunziker, S Means, D Hanson

National Night Out - Cindy Tharland 8/5/03 5:30 PM to 8:30 PM

Northwest Neighbors Association

North Park Subdivision

44th & 56th St NW

National Night Out – Sean Krauss 8/5/03 6:00 PM to 9:00 PM

12th Ave NW Block Party

Rochester, Mn. 55901

Coghill Care Inc.

220 S Bdwy #1602

Rochester, Mn. 55904

Family Inc. Picnic 7/26/03 6:00 PM to 10:00 PM

Central Park

Julie Johnson Block Party 7/31/03 5:30 PM to 8:00 PM

Geselle Ln NW

Rochester, Mn. 55901

**Downtown Business Association** 

PO Box 416

Rochester, Mn. 55903

Sidewalk Sale Days 7/24/03 thru 7/27/031

# LICENSES, BONDS AND MISCELLANEOUS CITY ACTIVITIES PAGE 3 JULY 21, 2003



National Night Out – Nancy Mudderman 8/5/03 5:00 PM to 9:00 PM 15<sup>th</sup> St NE to 15<sup>th</sup> Ave NE (Dead End)
Rochester, Mn 55906

#### **COUNCIL ACTION REQUESTED**

A motion to approve the above licenses, bonds and miscellaneous city activities.



EETING TE: 7/21/03

		DATE: 1/21/03
AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: City Clerk	D-7
ITEM DESCRIPTION: Amend Chapter 125A.03, Subd. 5, or Intoxicating Liquor Licenses Issued to One Person		PREPARED BY: Judy Scherr

Chapter 125A, Subd. 5 of the Rochester Code of Ordinances does not reflect the limitations on ownership of Off-Sale Liquor Licenses to only person in accordance with State Law. The attached draft of the ordinance will comply with the requirement.

Our current ordinance states that no more than three On-Sale Restaurant Liquor Licenses can be issued to more than one person directly or indirectly. The current ordinance does not allow for an on-sale business to hold a combination of on-sale licenses; i.e., two restaurant and one exclusive (street bar) license. We currently have several businesses with an exclusive license that express interest in obtaining restaurant licenses as well. We do have one business with an on-sale restaurant license that has made application for and been approved for an exclusive license. The current ordinance should be amended to allow for no more than three (3) On-Sale Intoxicating Liquor Licenses issued to one person, directly or indirectly, and that one of these can be an exclusive (street bar) license. However, there can be no more than one exclusive (street bar) issued to any one person, directly or indirectly.

#### COUNCIL ACTION REQUESTED

A motion to approve the amendments to Chapter 125A, Subd. 5 on Off-Sale and On-Sale Intoxicating Liquor License limitations and direct the City Attorney to prepare the required ordinance for adoption.

COUNCIL ACTION: Motion by:	Second by:	_ to:



MEETING 29

DUNCIL ACTION: Motion by:	Secon	d by: to:	
(Detailed listing of disburser	ments submitted se	eparately.)	
Total disbursements	\$30,648,192.44		
Accounts payable of	\$5,968,706.04		
Investment purchases of	\$24,679,486.40		
Respectfully request a motion	on to approve the f	ollowing cash disbursem	ents:
Approval of Accounts Paya	ble		Dale Martinson
Consent Agenda  M DESCRIPTION:	<del></del>		PREPARED BY:
		Finance Department	



#### MEETING REQUEST FOR COUNCIL ACTION DATE: 7/21/03 **ORIGINATING DEPT:** ITEM NO. AGENDA SECTION: Consent Agenda/Organizational Business Finance Department PREPARED BY: ITEM DESCRIPTION: Request by Samaritan Bethany, Inc. for Council to authorize exception Dale Martinson

to minimum increment policy on conduit debt.

At its July 7<sup>th</sup> regular meeting, council authorized calling a hearing to consider issuance of health care and housing revenue bonds on behalf of Samaritan Bethany incorporated. That hearing is scheduled for August 4th. This type of issue is called "conduit debt" in which the City basically lends its tax-exempt bonding authority to a private entity for certain allowable purposes that benefit the community. The City has no legal or moral obligation to repay the debt should the borrower default. The City's name is all over the bonds, however, and not having a legal or moral obligation to pay them does not prevent the bondholders from calling city officials in the event of default.

Back in 1999, the council past a new conduit debt policy. It included a provision designed to protect small investors from purchasing non-rated conduit debt for which they might incorrectly perceive were backed by the City of Rochester. The memory of the Charter House default was one of the driving forces behind the requirement that any non-rated conduit bonds be "issued in minimum increments of \$100,000 to sophisticated investors". We have followed this policy on each conduit debt issuance since 1999.

Representatives from Samaritan Bethany have requested an exception from that policy for their proposed 2003 issue. A letter from their attorney (found attached) makes the following points supporting their request:

- They have issued three previous financings with the City in minimum increments of \$5,000.
- Much of this financing is issued to refinance the 1996 bonds, which currently exist in \$5,000 increments.
- Local Rochester residents who are familiar with the facilities and even act as volunteers at the facilities purchased the vast majority of the 1996 bonds being refinanced.
- If required to issue in minimum \$100,000 increments, many of the current holders would not be able to afford to reinvest in the new bonds when their old ones are paid off.
- Samaritan Bethany is a long-time Rochester company providing a needed service in the community and actively involved in the management of it, not an out-of-state developer that would collect its fees on a new housing development and then be gone.
- The current appraised value of the property offered as security for the bonds is approximately \$12 million, providing a debt to security ratio of 58%.
- The reduction in available buyers of the bonds will likely cause some increase in the interest rate that can be obtained on the new bonds on the sale date.

Staff is not opposed to Council making an exception to the minimum increment policy on a case-by-case basis if the council feels it is justified. Our bond counsel would continue to review the documents to assure that the City will never have legal or moral obligation to pay the bonds in event of default. Council just needs to be willing to accept the possibility that should an unfortunate event of default occur on the bonds, there would likely be at least one investor holding a \$5,000 bond and believing that the City should pay up. We would just have to inform the investor otherwise.

#### **Recommended Council Action:**

Authorize exception to the Council's conduit debt policy as it relates to minimum increments of non-rated bonds an allow Samaritan Bethany, Inc. to issue its proposed bonds in \$5,000 increments.

COUNCIL ACTION: Motion by:	Second by:	_ to:





Ronald L. Seeger Milton A. Rosenblad Paul A. Finseth Daniel E. Berndt John B. Arnold Peter C. Sandberg Tina L. Mohr William J. Rvan Paul W. Bucher Douglas A. Boese Thomas W. Jacobson Mary H. Dunlap William P. Volkmar Mark E. Fosse Ken D. Schueler Gregory J. Griffiths Michael S. Dietz Robert G. Benner Sharon C. Zehe Kari Stonelake-Hopkins Christina K. Stevens Phong M. Luong Amy B. Michael

of counsel A.M. "Sandy" Keith July 15, 2003

Mayor and Common Council City of Rochester c/o Steven E. Kvenvold City Administrator 201 4<sup>th</sup> St SE Rochester MN 55904

Re: Samaritan Bethany, Inc. 2003 City of Rochester Bond Refinancing Our File No. 03-2678

Dear Mayor and Council Members:

This office represents Samaritan Bethany, Inc. in connection with the current refinancing of their City of Rochester, Minnesota, Health Care and Housing Revenue Bonds (Samaritan Bethany, Inc. project) Series 2003A in the principal amount of approximately \$7,400,000.00, which refinancing bond issue has already received preliminary approval by yourselves on behalf of the City.

As I believe you are all aware, Samaritan Bethany, Inc. is a Minnesota nonprofit charitable corporation qualifying for tax exemption as a 501(c)(3) organization and operates two nursing home facilities, an assisted living facility and a senior housing facility, all here in Rochester and also provides many other services for the care and assistance of the elderly. Samaritan is sponsored by five local Lutheran churches and Peace United Church of Christ and is also supported by a multitude of volunteers who assist the organization in its elder care endeavors.

In 1980, the City of Rochester issued \$4,500,000.00 in revenue bonds for Samaritan Bethany. In 1991, the City issued \$10,185,000.00 in revenue bonds for Samaritan Bethany, the proceeds of which were used to refinance the original bonds and also construct additional facilities for the elderly. In 1996, in order to take advantage of declining interest rates, the City was requested to issue and did in fact issue \$8,930,000.00 in revenue bonds for Samaritan Bethany to refinance the 1991 bonds. To take additional advantage of current declining interest rates, Samaritan Bethany has now obtained preliminary approval from you to refinance the 1996 bonds by issuance of approximately \$7,360,000.00 in new revenue bonds.



Mayor and Common Council July 16, 2003 Page 2

All of the previous bonding projects authorized the issuance of the revenue bonds in increments of \$5,000.00 per bond. The vast majority of these bonds were purchased by small investors, many of whom are local Rochester residents familiar with the facilities and many of whom are also the same people who act as volunteers for Samaritan Bethany to assist them in their care for the elderly. To the best of our knowledge, very few, if any, of the previous bonds issued were purchased by institutional investors and, as indicated, the vast majority of bonds were purchased by small investors and people familiar with the Samaritan Bethany organization. In each of the past bonding issues, the majority of the bond investors were the investors who had held the previous bonds and wanted to reinvest their proceeds in the new bonds.

It is our understanding that the City some time ago adopted a policy that for all new revenue bonding projects, they would require that the bonds be issued in minimum increment amounts of \$100,000.00 each and apparently that is the current policy at least under which the current Samaritan Bethany bonding issue has been tentatively approved. It had been hoped and assumed that the vast majority of the investors in the new bonds would be the same persons who had invested in the previous bond issues but this now may be impossible because of the current City policy with regard to the minimum \$100,000.00 bond amounts. As a result of this policy, the City has effectively prevented the vast majority of the current bond holders from reinvesting their proceeds from the previous bonding issue in the new bonds since the vast majority of such investors would not be able to meet the minimum requirements of investing at least \$100,000.00 in the new bonds as currently required by the City policy.

In addition, we have been informed by the bond underwriter that since these bonds are not rated and not bank qualified for bank investment and under the City's policy, the vast majority of current bond holders and other small investors will be eliminated from the market for the new bonds, the interest rate on the new bonds will, in all probability, end up being somewhat higher than it would have been if the bonds could be issued in \$5,000.00 increments and thereby opening up the market for these bonds to a much wider group of investors.

Accordingly, we are hereby respectfully asking the City to waive its current policy with regard to this particular bond issue and allow the new bonds to be issued in \$5,000.00 increments as were all of the bonds in all of the previous issues for this particular project. This will allow most of the current investors if they so desire to reinvest in the new bonds and we feel this is in the best interests of all involved.

We also wish the Council to be aware of the fact that the current appraisal of the property owned by Samaritan Bethany, Inc. to be given for security on the bonds is somewhat over \$12,000,000.00 resulting in the fact that the ratio of the indebtedness to the security is only approximately 58% which should make the bonds very very secure.



Mayor and Common Council July 16, 2003 Page 3

Finally, we respectfully ask that this matter be put on the City Council agenda for its meeting on July 21, 2003, for consideration. We will have representatives of Samaritan Bethany present at the council meeting to answer any questions that the Council members might have.

DUNLAP & SEEGER, P.A.

Paul A. Finseth

Attorneys for Samaritan Bethany, Inc.

PAF/jab

MEETING 35

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
Consent Agenda	Fire	D-10
ITEM DESCRIPTION: CREDIT Change Order # 5- Fire St	ation 3	PREPARED BY: Jeff Leland
The fire sprinkler system initially proposed by the	contractor was a combination wet/dr	y system. The installed
system is a fully wet system. The contractor has p	provided a \$1,200 credit for the differ	ences in the system.
The new construction contract for Fire Station 3 is	ncluding this change order will be RE	DUCED to \$1,679,931
COUNCIL ACTION REQUESTED		
Approval of the above listed changes to the Fire S	Station 3 contract.	
COLUMNIA ACTION		
COUNCIL ACTION: Motion by: Section Sectio	ond by: to:	

MEETING DATE: 07-21-03

AGENDA SECTION:

CONSENT AGENDA

ITEM DESCRIPTION: Orderly Annexation #03-18 by Greg Munson to annex approximately 10.19 acres of land located south of Harbor Drive SE and east of Sunrise Avenue SE within Rose Harbor Second Subdivision.

| ORIGINATING DEPT: PLANNING | Dept: Planner | D

July 14, 2003

#### Planning Department Recommendation:

See attached staff report dated July 14, 2003.

As part of the Orderly Annexation Agreement, property taxes payable on annexed land shall continue to be paid to the Town of Marion for the entire year in which the annexation becomes effective. If the annexation becomes effective on or before August 1 of a levy year, based on the date specified in the order from the Minnesota Municipal Board, the City may levy on the annexed areas beginning with that levy year. If the annexation becomes effective after August 1 of a levy year, the Town may continue to levy on the annexed area for that levy year. Thereafter property taxes on the annexed land shall be paid to the City.

#### Council Action Needed:

- 1. If the Council wishes to proceed as petitioned, it should instruct the City Attorney to prepare an resolution to be adopted and transmitted to the MN Planning /Office of Strategic and Long Range Planning.
- 2. The signed resolution and a copy of the Joint Resolution for Orderly Annexation (Marion Area #2) should be transmitted to the MN Planning / Office of Strategic and Long Range Planning by the City Clerk (attached is a filing fee for the application in the amount of \$25). The resolution and a copy of the Joint Resolution shall also be sent to the Town of Marion and the Olmsted County Auditor/Treasurer.

#### **Attachments**

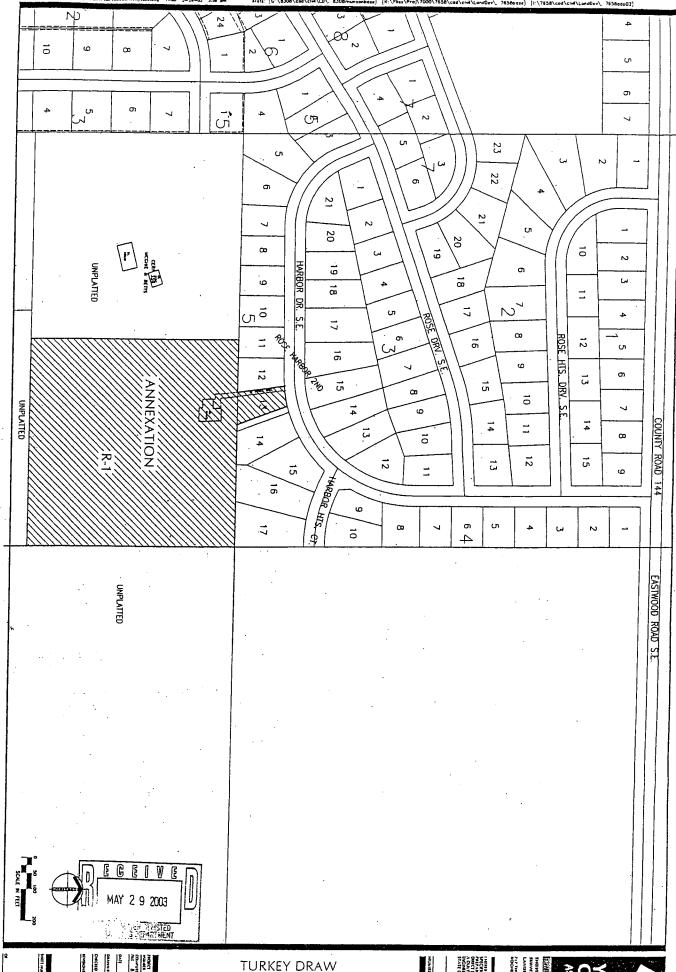
1. Staff report dated July 14, 2003.

#### Distribution:

- 1. City Administrator
- 2. City Clerk
- 3. City Attorney: Legal Description Attached
- 4. City Finance Director: Tax Information Attached
- 5. Planning Department File
- 6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, July 21, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
- 7. Yaggy Colby Associates

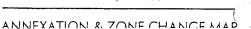
COUNCIL ACTIO	ON: Motion by:	Second by:	to:	
				•

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ROCHESTER, MINNESOTA









2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

Rochester Common Council

FROM: Brent Svenby, Planner

**DATE:** July 14, 2003

RE:

Orderly Annexation #03-18 by Greg Munson to annex approximately 10.19

acres of land located south of Harbor Drive SE and east of Sunrise Avenue SE within Rose Harbor Second Subdivision. The property is located in a part of the N ½ of the SW ¼ of the NW 1/4 in Section 8, including the west 66 feet of Lot 13, Block 5, Rose Harbor Second

Subdivision, Marion Township.

#### Planning Department Review:

Applicants/Owners:

Greg Munson

3116 Harbor Drive SE Rochester, MN 55904

Consultant:

Yaggy Colby Associates 717 Third Avenue SE Rochester, MN 55904

Location of Property:

The property is located in a part of the N ½ of the SW ¼ of the NW 1/4 in Section 8, including the west 66 feet of Lot 13, Block 5, Rose Harbor Second Subdivision, Marion Township.

**Existing Land Use:** 

This property is currently developed land with one single

family residence.

Size:

The property proposed for annexation is approximately

10.19 acres.

**Existing Zoning:** 

The City has extraterritorial zoning control over this property.

The property is zoned "Interim".

**Future Zoning:** 

Upon annexation, the property should be zoned R-1 (Mixed Single Family) district on the Rochester zoning map. The applicant has petitioned to zone the property to the R-1 zoning

district.

Land Use Plan:

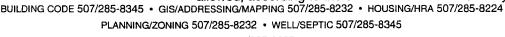
This property is designated for "low density residential" uses on the Rochester Urban Service Area Land Use Plan.

Adjacency to the Municipal

Limits:

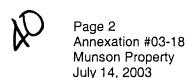
The property is adjacent to the city limits along its northern and eastern boundaries. The area proposed for annexation is

allowed, according to the Joint Resolution for Orderly









Annexation between the City of Rochester and the Townboard of Marion, Item #7,

Paragraph (b) a landowner abuts the City limits and said landowner files a petition for annexation with the City. In such instance, review by the Rochester Planning and Zoning Commission shall not be required prior to the City acting upon

said petition.

Sewer and Water: Municipal sewer and water are available to serve this property.

A lift station would be required until sanitary sewer is extended

from the south.

The property is within the Rose Harbor High Level Water

System Area.

**Utilities:** Pursuant to Minnesota Statutes 414.033 (subd.13), a

municipality must notify a petitioner that the cost of electric utility service may change if the land is annexed to the municipality. A notice has been provided to the applicant.

Townboard Review: Townboard review is not required for this annexation.

Report Attachments: 1. Location / Annexation Map

#### Staff Recommendation:

Section 7, Paragraph (b) of the Joint Resolution for Orderly Annexation (Marion Area #2) between the City of Rochester and Townboard of Marion allows any lands contained in the orderly annexation area may be annexed to the City upon adoption of a resolution when said landowner files a petition for annexation with the City. In such instance, review by the Rochester Planning and Zoning Commission shall not be required prior to the City acting upon said petition.

Staff recommends that the City adopt a resolution annexing the property.

KLGOL	OT FOR GOODIGIE ACTION	DATE: <u>July 21, 2003</u>	-
AGENDA SECTION:  Consent Agenda	ORIGINATING DEPT: Police	D-12	
ITEM DESCRIPTION: Rochester/Olmsted Pu	blic Safety Technology Grant	PREPARED BY:	

**MEETING** 

Roger Peterson

In 2001, the Minnesota Department of Transportation was awarded a COPS Technology Grant from the U.S. Dept. of Justice, Office of Community Oriented Policing Services for the purpose of improving public safety communications in Southeastern Minnesota. The State intended to begin construction on the infrastructure needed to implement an interoperable 800 MHz trunked radio system. The original project ran into significant obstacles and the State amended the grant with the approval of the U.S. DOJ. Because the grant was intended to improve the ability of law enforcement agencies in Southeastern Minnesota to communicate more effectively, MN DOT offered the grant money to Rochester and Olmsted County.

A combined City/County workgroup has met since July of 2002 and worked toward identifying a number of projects that would benefit public safety communications within the parameters for the grant. The workgroup finalized a plan and submitted the proposal to the DOT. The proposal was approved.

The project is comprised of three major components.

- Communications Unit Radio System Upgrade
- Mobile data System Upgrade
- Automatic Vehicle Locating System

The State has allocated \$985,750 to Rochester/Olmsted County for these projects. There is no local match required to accept the money.

The State of Minnesota will be the fiscal agent, and will manage the payment of vendors upon approval of work by local staff.

Council Action Requested:

Approval to participate in the Rochester/Olmsted County Public Safety Technology Grant. Approval to accept funding from the U.S. Dept of Justice and State of Minnesota for the technology project. Approval for the Chief of Police, Fire Chief, Mayor, or City Administrator to sign an agreement with the State of Minnesota and/or U.S. Dept of Justice. Approval for the Chief of Police, Fire Chief, Mayor or City Administrator to sign contracts for vendors to facilitate the purchase of equipment and training under this grant program.

COUNCIL ACTION: Motion by:	Second by:	to:	



MEETING DATE: 7/21/03

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ACENDA CECTIONI		ORIGINATING DEPT:	ITEM NO.
AGENDA SECTION:	nda	Police	
Consent Agen	iua .	I Once	15-13
ITEM DESCRIPTION:	Donation to Police Explorer Unit		PREPARED BY: M. Goodsell
A donation of #2228. This d	\$100 to the Rochester Police Explore onation is to be used towards the pure	er Unit has been received f chase of uniforms or equip	from the Zumbro Area Eagles ment for the Explorer Unit.
Approval to a	ACTION REQUESTED: accept \$100 donation from the Zumbror equipment expenses.	o Area Eagles #2228to the	Rochester Police Explorer Unit for
COUNCIL ACTION	: Motion by: Secon	nd by: to:	



MEETING US

DATE: 7/21/03 ITEM NO. **AGENDA SECTION: ORIGINATING DEPT:** Police Consent Agenda PREPARED BY: ITEM DESCRIPTION: Donation to Police Honor Guard M. Goodsell A donation of \$200 to the Rochester Police Department has been received from the Zumbro Area Eagles #2228. This donation will be used for Honor Guard uniform/equipment expenses. **COUNCIL ACTION REQUESTED:** Approval to accept \$200 donation from the Zumbro Area Eagles #2228 for Police Honor Guard uniform/equipment expenses. COUNCIL ACTION: Motion by:\_\_\_\_\_\_ to:



<u>REQUEST</u>	FOR COUNCIL ACTION	MEETING
		DATE: <u>July 21, 2003</u>
AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
Consent Agenda	Police and Fire	D-15
ITEM DESCRIPTION: 2003 Federal Homeland Se	ecurity Equipment/Exercise Grant – Part 1	PREPARED BY:
		Roger Peterson
equipment for protecting first responder grant also provides funding to strengther involving the use of chemical/biological for the development and conduct of CBl  The Department of Public Safety, Divisi of this program. DEM will distribute the for approved purchases under these program then provide equipment and training to for operational response plan. The grant program in Exercise Funds. The total amount of the All participating jurisdictions must sign.	a again have an opportunity to obtain a Federal and for protecting critical infrastructure. In the capabilities of municipalities to responding the capabilities of municipalities to respond the capabilities of municipalities to responding the capabilities of municipalities to responding the capabilities of municipalities to respondent the capabilities of municipalities (CBRNE) against the capabilities of the capabilities and the capabilities of the capabilities	n addition, the 2003 Federal d to acts of terrorism gents by providing funding e designated administrator local units of government counties. The county will rt of the jurisdiction's hipment Funds and \$16,947 required for this program.
•		
Equipment/Exercise Grant Part I Program Administrator to sign a letter of understa	to participate in the 2003 Federal Homeland m. Approval for the Chief of Police, Fire Chinding that gives the authority to purchase to the Rochester Police and Fire Department to	nief, Mayor, or City Olmsted County which
COUNCIL ACTION: Motion by:	Second by: to:	



**MEETING** 

DATE:

\$474,000

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO.
ITEM DESCRIPTION: Professional Engineerin Water Reclamation Pla	ng Service Agreement For Design of ant Expansion J-4390	PREPARED BY: R. Freese

The Water Reclamation Plant is approaching its design capacity and because of the continuing growth in the City an expansion of the plant will be required during the next three years. An application for the renewal of the plant's NPDES permit has been submitted to the Minnesota Pollution Control Agency and requirements of the permit are currently being negotiated. The Permit Application includes information regarding projected growth of the City and the need for an expansion of the WRP from its current capacity of 18.5 MGD (million gallons per day) to 25.5 MGD (2025 capacity) and planning for a future 40.0 MGD plant (2055 capacity).

On July 7, 2003, the City Council authorized the staff to negotiate a contract for professional engineering services with CH2M HILL, Inc. for the preliminary design phase of an expansion to the Water Reclamation Plant, evaluation and design of Immediate Capacity Improvements and review of the condition and capacity of existing WRP facilities. The scope of work and associated level of effort needed to accomplish these three tasks has been determined. The preliminary design task includes the cost for an independent Value Engineering Study if requested by the City. The estimated costs for these various tasks is as follows:

- > An evaluation of condition and capacity of existing WRP critical process facilities; \$ 97,000
- > An evaluation and design of immediate capacity improvements to the existing WRP; \$114,000 Preliminary design of an expansion to the WRP;
- Subsequent scope of work and level of effort for final design and construction services will be negotiated with CH2M HILL at a later date once those tasks are more clearly defined. The City Council will be asked at that time to authorize those Task Order Changes to the Agreement.

CH2M HILL made the following financial commitments in their proposal and these have been included in the negotiated Agreement:

- > CH2M HILL will redesign the project at no cost to the City if the treatment plant does not meet NPDES discharge permit limits
- > CH2M HILL will directly supervise the operation of the plant at no cost to the City if the treatment plant does not meet NPDES discharge permit limits
- > CH2M HILL will pay to the City liquidated damages if they fail to complete the design by the agreed upon date
- > CH2M HILL will redesign the project at no cost to the City if the construction bids exceed the engineer's estimate

Public Works staff recommends the Council authorize the Mayor and Clerk to execute this professional engineering services agreement for an amount of \$685,000. Funding is from Sewer Utility reserves as approved in the CIP.

## **COUNCIL ACTION REQUESTED**

Authorize the Mayor and City Clerk to execute a contract for professional engineering services with CH2M HILL, Inc. for the preliminary design phase of an expansion to the Water Reclamation Plant, evaluation and design of Immediate Capacity Improvements and review of the condition and capacity of existing WRP facilities, J-4390.

COUNCIL ACTION: Motion by:	Second by: to:



**MEETING** 

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DATE:

: 07/21/03

AGENDA SECTION:		ORIGINATING DEPT:	ITEM NO
CONSENT	Γ AGENDA	PUBLIC WORKS	D-17
ITEM DESCRIPTION: AWARD OF CONTRACT: (J9714)  Street Reconstruction on 23rd Av		4)	PREPARED BY:
		Avenue SW	wf R. Kelmgz

Bids were received and opened after 11:00 a.m., July 16, 2003 for the following local improvement project:

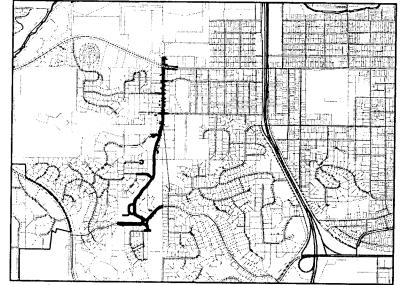
#### **Project Number**

State Aid Project 159-146-11 City Number 6323-3-00 (J-9714)

#### **Project Name**

Reconstruction of 23<sup>rd</sup> Avenue SW from 2<sup>nd</sup> Street SW to 1341 feet north of Fox Valley Drive SW

This project is included in the 2003 – 2008 Capital Improvement Program, item #13, page 32. The project is proposed to be funded from State Aid funds (65%), Special Assessments (34%) and Water Utility funds (1%).



#### The following bids were received:

 Total Bid

 1. Elcor Construction
 \$1,346,679.52

 2. Road Constructors
 \$1,451,698.46

 3. McHugh Excavating
 \$1,516,524.88

Engineers Estimate \$ 1,444,994.88

#### Project Recommendation:

The Public Works Department recommends the City Council proceed with an award to the low bidder.

#### **COUNCIL ACTION REQUESTED:**

Adopt a resolution awarding the contract, (J9714) Reconstruction of 23<sup>rd</sup> Avenue SW from 2<sup>nd</sup> Street SW to 1341 feet north of Fox Valley Drive SW to Elcor Construction.

Total and an ox validy bill	TO OTT TO LICOT CONSTRUCTION.		
COUNCIL ACTION: Motion by:	Second by:	to:	



MEETING 7-21-03

			I DAIL.
AGENDA SECTION: CONSENT AGENDA		ORIGINATING DEPT: PUBLIC WORKS	D-18
ITFM	AMENDMENTS TO STATE OF ASSISTANCE CONTRACTS	MINNESOTA 2003 TRANSIT	PREPARED BY: A KNAUER

The Minnesota Department of Transportation is amending all 2003 transit assistance contracts in response to the State's budget difficulties. The amendment reduces this years State funding assistance by 3% for regular route and dial-a-ride services. This reduced funding amount will become the ceiling for State funding in 2004.

#### Regular Route (Agreement #83731)

The amendment reduces State assistance from \$999,001.65 to \$884,677.74. A portion of this (\$70,941.50) will be made up by increased federal assistance leaving a final reduction in State assistance of \$43,382.41. This is approximately a \$2.9 million budget. Based on the first 6 months it appears the program can absorb some reduction. However, slight service adjustments and a moderate fare increase will also be required. A list of these changes was prepared earlier in the year in the event of a funding reduction. The transit advisory will make a final recommendation on these service and fare changes in the next month. These changes will be subject to a public hearing before the Council.

#### Dial -A-Ride (Agreement #83732)

The amendment reduces State assistance from \$300,680.25 to \$291,659.84 for a total reduction of \$9,020.41. By holding off of expanded service originally planned for 2003 the budget should be able to absorb the reduction. Staff will continue to monitor expenses and adjust service accordingly.

## **REQUESTED COUNCIL ACTION**

(1) Adopt the prepared resolution approving Amendment #1 to MnDOT Agreements Numbers 83731 and 83732 regarding 2003 transit assistance and authorizing the signing by the Mayor and City Clerk.



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MEETING 07-21-03

AGENDA SEC C	CTION: ONSENT AGENDA	ORIGINATING DEPT: PUBLIC WORKS	REVISED 0-19
AWARD BIDS FOR RESTOR STREET PARKING RAMP J25		RESTORATION WORK / FIRST AMP J2580	PREPARED BY: A KNAUER

A condition survey of the First Street Parking Ramp was completed by Buildings Consulting Group (BCG) in April, 2003. These condition surveys are conducted for each parking ramp on a 4 year cycle. The survey included inspection and testing of the structural elements, electrical/mechanical and general building. Based on this condition report a bid document detailing recommended repairs was prepared and let.

On July 15, 2003 bids were opened. Following is a summary of bid results.

Restoration Systems Inc.
Knutson Construction \$77,100.00
Brent Anderson Associates Paragon Construction \$94,060.00

The engineers estimate was \$71,000.00

The project is included in the City's 2003 Capital Improvements Program.

Staff recommends the contract be awarded to Restoration Systems Inc. in the amount of \$56,575.00.

## REQUESTED COUNCIL ACTION

1. Adopt the prepared resolution awarding the First Street Parking Ramp Restoration project (J2580) to Restoration Systems Inc. of Chaska, Minnesota in the amount of \$56,575.00

COUNCIL ACTION: Motion by:	Second by:	to:



MEETING

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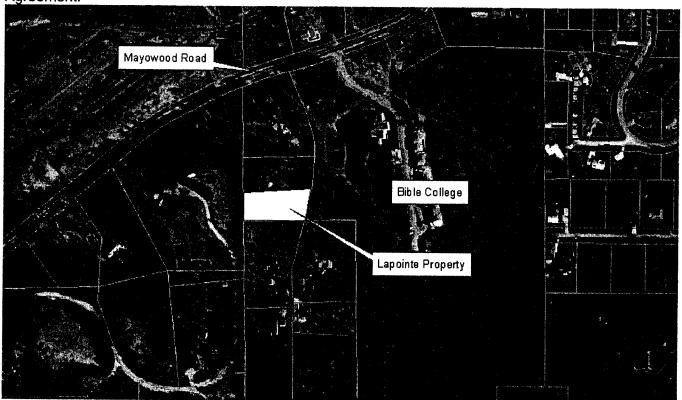
DATE:

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	ITEM NO.
ITEM DESCRIPTION: Connection Agreement – David & Michelle Lapointe		Michelle Lapointe	PREPARED BY: P

David and Michelle LaPointe and City Staff have had discussions relating to providing public infrastructure including sanitary sewer and watermain. The City at this time is unable to provide the service needed for this property and therefore has agreed to allow the Owner to install a private well and septic system pursuant to the County regulations and pursuant to the execution of an agreement for connection and payment of the charges upon the availability of the public services. Based on the discussions, the content for a agreement has been decided and a document has been created. The major items covered in the agreement include the following:

- Owner agrees to connect to the public sanitary sewer and water system within 1 year of availability.
- Owner agrees to pay the connection and availability charges within 30 days of substantial completion of the project.
- Owner agrees to properly abandon the private systems upon connection.
- Owner waives his notice and hearing on the project.

Staff recommends the Council approve the Connection Agreement. The Owners have executed the Agreement.



#### **COUNCIL ACTION REQUESTED:**

Authorize the Mayor and City Clerk to execute	the Connection Agreement with	David and Michelle
LaPointe	9	

COUNCIL ACTION: Motion by:	Second by:	to:	



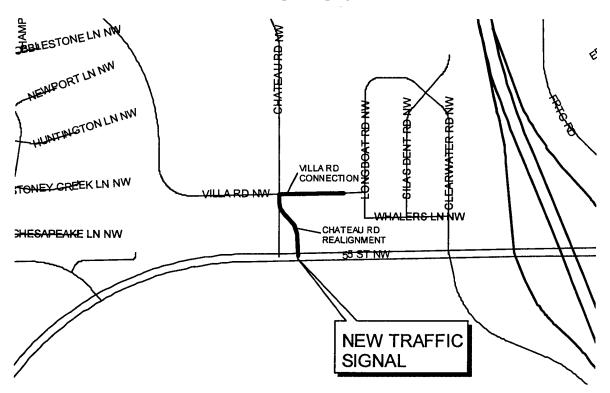
MEETING DATE: 7-21-03

AGENDA SECTION: CONSENT AGENDA		ORIGINATING DEPT: Public Works	ITEM NO. D-21
ITEM DESCRIPTION: Professional Services Agreement Chateau Rd NW/Northwest Plaza			PREPARED BY: pm

On June 2, 2003 the city council approved entering into an agreement with Olmsted County for construction of this signal in 2004. The agreement also requires in 2004 realigning Chateau Rd to the east to line up with the existing Northwest Plaza entrance, and connection of Villa Rd NW between Chateau Rd NW and Longboat Rd NW. Both the city and the county have executed the agreement.

This signal will be added to the 2004 CIP. The funding will be \$50,000 (plus accumulated interest) Northwest Plaza developer cost, and then the remainder is 50% city, 50% county. The city's share will come from Municipal State Aid funding. The total estimated cost is \$230,000.

Short Elliot Hendrickson (SEH) has provided a proposal for professional services for design of the traffic signal and required pavement modifications not to exceed \$39,500. Design of the Chateau Rd realignment and Villa Rd connection will be a separate project.



#### **COUNCIL ACTION REQUESTED:**

Adopt a resolution approving entering into a professional services agreement with SEH for design services in an amount not to exceed \$39,500 for J6004 "Traffic Signal, 55th Street NW (CSAH 22) at Chateau Rd NW/Northwest Plaza entrance"

COUNCIL ACTION: Motion by:	Second by:	to:



MEETING DATE: 7-21-03

AGENDA SECTION:

CONSENT AGENDA

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

Public Works

PREPARED BY: M

Frontage Rd / Clearwater Rd NW, J6389

PREPARED BY: M

D. Kramer OFF

D. Kramer

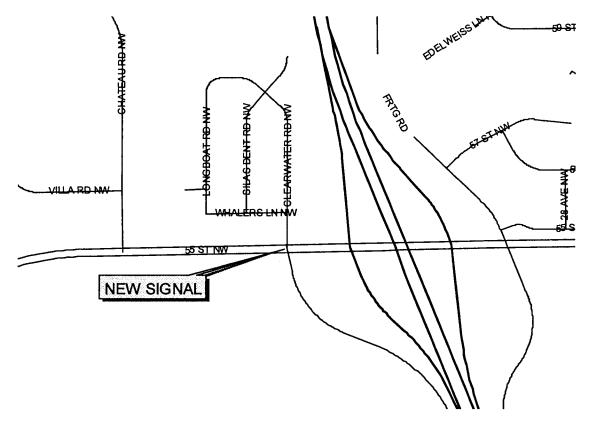
On June 2, 2003 the city council approved entering into an agreement with Olmsted County for construction of this signal. Both parties have executed the agreement.

Bids were received and opened after 11:00 AM, July 15, 2003 for Traffic Signal System, 55th Street NW (CSAH 22) at TH 52 W Frontage Rd / Clearwater Rd NW, J6389 as follows:

Nietz Electric \$135,575.00
 Bauer Electrotech \$178,599.25

This signal is not included in the current CIP. The cost split is 50% city, 50% county. The city's share of the signal cost will come from Municipal State Aid funding.

The contractor is required to have the signal operational by September 1, 2003.



#### **COUNCIL ACTION REQUESTED:**

Adopt a resolution awarding the contract, "Traffic Signal System, 55th Street NW (CSAH 22) at TH 52 W Frontage Rd/Clearwater Rd NW, J6389" to Nietz Electric, and authorize the Mayor and Clerk to execute the contract.

COUNCIL ACTION: Motion by:	Second by:	to:



MEETING

63

DATE: <u>7/21/03</u>

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. 5-23
ITEM DESCRIPTION: STORMWATER MANAGEM		GEMENT AGREEMENTS	PREPARED BY:

The Department of Public Works has received a request for eight (4) properties, to voluntarily participate in the City's Regional Storm Water Management Plan (SWMP). This department has reviewed the information for these properties and has determined that there is support for participation. The Owners have requested voluntary participation in the City's Plan, with the applicable participation fees as follows:

 Perkins Family Restaurant (T.H. 63 & 18<sup>th</sup> Ave SE) (SDP#03-22)

\$ 9,006.70

 AGD Office Buildings #2 & #3 (Airport Property) (SDP#03-09)

- \$ 10,157.29
- Rochester Off Campus School (Lots 5 & 6, Sunset Terrace 8<sup>th</sup> Addition) (SDP#03-36)
- \$ 6,319.88
- Energy Products & Design Warehouse (p/o Lot 2, Block 1, Domaille -Postier Subdivision) (SDP#03-51)

\$ 2,839.36

The Owners have already provided payment for their respective charges. These funds will be deposited upon acceptance by the Council for the properties to participate in the City's Plan.

#### **COUNCIL ACTION REQUESTED:**

Adopt a Resolution accepting voluntary participation by the above noted properties, in the City's Regional Storm Water Management Plan (SWMP).

COUNCIL ACTION: Motion by:	Second by:	to:	

**MEETING** 

65-

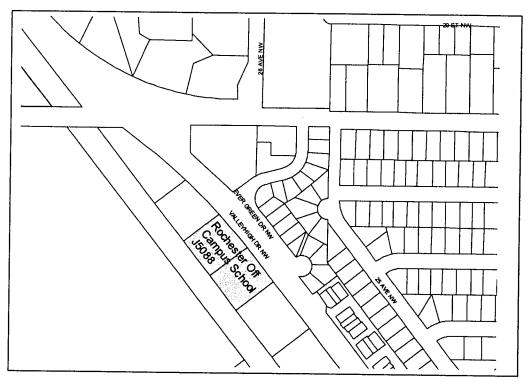
DATE:

7/21/03

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D - 24
ITEM DESCRIPTION:	Owner Contract – Stormsewer, W Rochester Off Campus School - C	atermain & Hydrant to Serve the 15088	PREPARED BY: Dr.

Staff would offer the following Owner Contract project for consideration by the Council:

Alvin E. Benike, Inc. (Owner) & Road Constructors, Inc. (Contractor) are requesting a City / Owner Contract J5088, consisting of "Stormsewer, Watermain & Hydrant to Serve the Rochester Off Campus School".



#### **COUNCIL ACTION REQUESTED:**

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5088 "Stormsewer, Watermain & Hydrant to Serve the Rochester Off Campus School (Lots 5 & 6, Block 1, Sunset Terrace Eighth Addition".

COUNCIL ACTION: Motion by:	Second by:	to:	



**MEETING** 

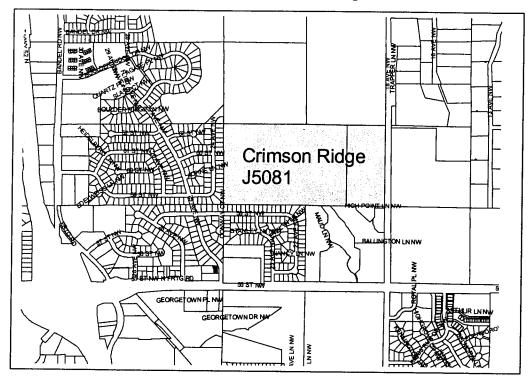
7/21/03

DATE:

AGENDA SECTION: CONSENT		ORIGINATING DEPT: Public Works	ITEM NO.
ITEM DESCRIPTION:	Owner Contract – Basic Construction in Crimson Ridge Subdivision - J5081		PREPARED BY: 9

Staff would offer the following Owner Contract project for consideration by the Council:

Arcon Development, Inc. (Owner) & Arcon Construction, Inc. (Contractor) are requesting a City / Owner Contract J5081, consisting of "Basic Construction in Crimson Ridge Subdivision".



#### **COUNCIL ACTION REQUESTED:**

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5081 "Basic Construction in Crimson Ridge Subdivision".

COUNCIL	ACTION: Motion by:	Second by:	to:



**MEETING** 

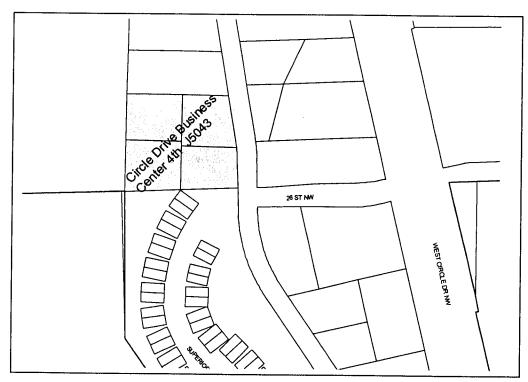
DATE:

**6** 7/21/03

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	D-26
ITEM DESCRIPTION:	Owner Contract –Watermain & H Business Center Fourth - J5043	lydrant(s) to Serve Circle Drive	PREPARED BY:  M. Baker

Staff would offer the following Owner Contract project for consideration by the Council:

Badger Development, LLC (Owner) & Road Constructors, Inc. (Contractor) are requesting a City / Owner Contract J5043, consisting of "Watermain & Hydrant(s) to Serve Circle Drive Business Center Fourth".



### **COUNCIL ACTION REQUESTED:**

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5043 "Watermain & Hydrant(s) to Serve Circle Drive Business Center Fourth".

COUNCIL ACTION: Motion by:	Second by: to:	



MEETING

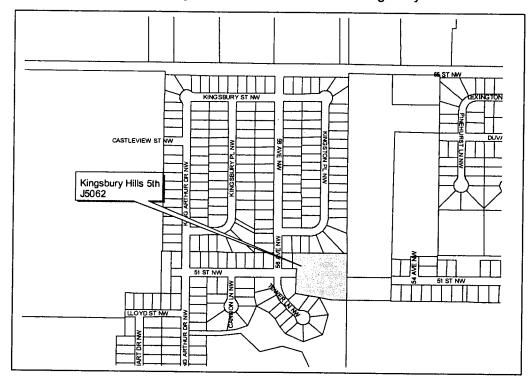
7/21/03

DATE:

AGENDA SECTION: CONSENT		ORIGINATING DEPT: Public Works	D-27
ITEM DESCRIPTION:	Owner Contract – Basic Constru J5062	ction in Kingsbury Hills Fifth -	PREPARED BY:  M. Baker  M. Baker

Staff would offer the following Owner Contract project for consideration by the Council:

Joel Bigelow & Sons Enterprises, Inc. (Owner) & Road Constructors, Inc. (Contractor) are requesting a City / Owner Contract J5062, consisting of "Basic Construction in Kingsbury Hills Fifth".



#### **COUNCIL ACTION REQUESTED:**

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5062 "Basic Construction in Kingsbury Hills Fifth".

COUNCIL ACTION: Motion by:	Second by:	to:



**MEETING** 

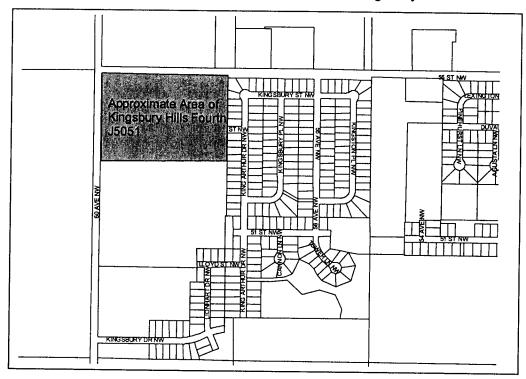
DATE:

13/

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	D-28
ITEM DESCRIPTION:	Owner Contract – Basic Construc J5051	tion in Kingsbury Hills Fourth -	PREPARED BY:  M. Baker

Staff would offer the following Owner Contract project for consideration by the Council:

Joel Bigelow & Sons Enterprises, Inc. (Owner) & Road Constructors, Inc. (Contractor) are requesting a City / Owner Contract J5051, consisting of "Basic Construction in Kingsbury Hills Fourth".



#### **COUNCIL ACTION REQUESTED:**

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5051 "Basic Construction in Kingsbury Hills Fourth".

COUNCIL ACTION: Motion by:	Second by:	to:



**MEETING** 

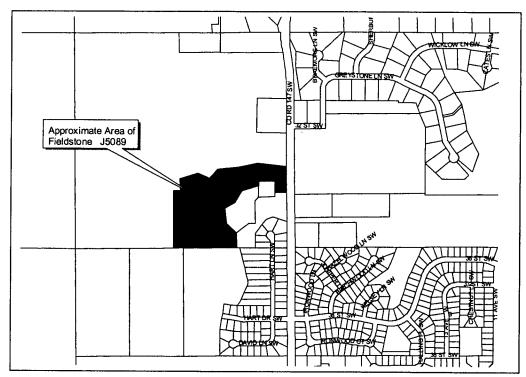
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DATE: \_

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	D-29
ITEM DESCRIPTION:	Owner Contract – Basic Construc	ction in Fieldstone - J5089	PREPARED BY: M. Baker W3

Staff would offer the following Owner Contract project for consideration by the Council:

GP Development, Inc. (Owner) & Elcor Construction, Inc. (Contractor) are requesting a City / Owner Contract J5089, consisting of "Basic Construction in Fieldstone".



## **COUNCIL ACTION REQUESTED:**

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5089 "Basic Construction in Fieldstone".

COUNCIL ACTION: Motion by:	Second by:	to:
		······································



# REQUEST FOR COUNCIL ACTION MEETING

		TON GOONGIE MOTION	DATE: 7/21/02
AGENDA SECTION:			DATE: 7/21/03
CONSENT AGENDA	<b>1</b> ·	ORIGINATING DEPT: Public Works	ITEM NO.
			D-50
ITEM DESCRIPTION: Award of 28J, J7	of Contract: Sanitary Sewi 702	er to Serve Sewer Service Area	PREPARED BY:
Bids were received and ope	ened after 11:00 PM on Ju	uly 2, 2003 for the following local i	mprovement project:
Project No. M2-09, J7702 "Grading, Ditch Work and and Sanitary Sewer Exter	l Erosion Control on Ove sion and temporary Sev	erland Drive from Bandel Road wer Service to Prairie Crossing"	through City Parcel
The following bids were rec	eived:		
Elcor Construction	\$427,056.14 (low b	oid)	
Road Constructors Arcon Construction	\$484,695.44 \$499,734.32	,	
Engineer's Estimate	\$487,949.60		
The project Feasibility Repo Agreements between the C Development, and Jerry Ne	ity of Rochester and the t	ect be funded through Developmer nree petitioners of the project (Arc	nt and/or Contribution on, Big-De
Since the sanitary sewer wi Overland Drive is required i	ll be installed along the pr n conjunction with the sar	oposed alignment of Overland Dri litary sewer project.	ve NW grading of
affected the outcome of the	that the project plan and bids. Department of Publi	project advised the Department of specification contained discrepand ic Works reviewed the contractor's r may indeed have affected the bid	cies that may have
Department of Public Works further recommends that the specification are corrected.	s staff recommends rejecti e project be re-advertised	ion of all bids received for the projetor bids after the discrepancies co	ect on July 2, 2003, and intained in the plan and
Bids will be received until 11 City Council at the Committe	1:00 AM at the office of the ee of the Whole meeting s	e City Clerk on August 7, 2003 and cheduled for August 11, 2003.	d considered by the
<ul><li>COUNCIL ACTION REQUE</li><li>1. Adopt a resolution reject</li><li>2. Adopt a resolution author</li><li>7, 2003.</li></ul>	ing the bids received and	opened on July 2, 2003. advertise for bids and conduct a b	oid opening on August
Att: Map Notice of bid			

COUNCIL ACTION: Motion by:\_\_\_\_\_\_ to:



MEETING

7/21/03

AGENDA SECTION: CONSENT	AGENDA	ORIGINATING DEPT: Public Works	ITEM NO.
ITEM DESCRIPTION:	Supplemental Agreement #9, F T.H. 14 / 52 Design Build		PREPARED BY:  M. Easley
			,\\

The MNDOT / City of Rochester Hwy 52 project provides that a temporary pedestrian bridge would be installed at 6<sup>th</sup> S.W over the highway corridor, adjacent to Folwell Elementary School. The specifications further provide that this temporary structure become the property of the City of Rochester for use as a permanent structure over Hwy 14 west, as bike path connection to the Cascade Lake area.

The Hwy 52 Design Build RFP did not specify a length of the superstructure, for either the temporary bridge or for the permanent the bridge, in its future location. If has since become known that the span necessary for the 6<sup>th</sup> St. S.W. bridge is 31' short of the span needed to cross Hwy 14 west. The Engineer finds it prudent and economical to provide for that additional length at the present time in lieu of retrofitting the span in the future.

MNDOT has prepared Supplemental Agreement #9 City Project # 9408 (J2247) in the amount of \$29,482.55 to cover the cost of:

1. Design and construction of an additional 31 feet of superstructure

Costs associated with this work would be City share in accordance with The City of Rochester / MNDOT Hwy 52 cost share agreement.

### **COUNCIL ACTION REQUESTED:**

Adopt a resolution authorizing payment of Supplemental Agreement #9; In the amount of \$29,482.55; Project 9408 (J2247) HWY 52

COUNCIL ACTION: Motion by:	Second by: to:	



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81
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		81	
REQUEST FOR COUNCI	L ACTION	MEETING	
		<b>DATE</b> : 7 <u>-21-03</u>	
AGENDA SECTION: PUBLIC HEARINGS – Continued Item	ORIGINATING DEPT: PLANNING	E-/	
ITEM DESCRIPTION: Land Use Plan Amendment Petition #03-04 by Morris Memorial LLC and Allen Koenig to amend the Land Use Plan designation from "Low Density Residential" to "Industrial" on approximately 33.48 acres of land. The property is located along the west side of TH 63, east of East River Road NE and north of 41 <sup>st</sup> Street NE.			
July 15, 2003  This item was continued at the July 7, 2003 meeting property owner, MnDOT, Public Works and Planning TH 63 has not been resolved. Staff would recover August 4, 2003 meeting. The Council will need to a conthe applicant is up unless the applicants agree to	g on the access to TH 63. At th mmend that the Council contin ct on this application on the 4 <sup>th</sup>	nis time the access to	
Distribution:  1. City Administrator  2. City Attorney  3. Planning Department File  4. Applicant: This item will be considered some time after Chamber at the Rochester – Olmsted Government Center E	7:00 p.m. on Monday, July 21, 2003 Building	3 in the Council / Board	

COUNCIL ACTION: Motion by:\_\_\_\_\_\_\_ Seconded by:\_\_\_\_\_\_\_ to:\_\_\_\_\_

5. Civil Engineering Services Company



MEETING

3

AGENDA SECTION:
PUBLIC HEARINGS – Continued Item
PUBLIC HEARINGS – Continued Item
PLANNING

ITEM DESCRIPTION: Zoning District Amendment #03-09 by Morris Memorial LLC and Allen Koenig to rezone approximately 33.48 acres from the I (Interim) to the M-1 (Mixed Commercial-Industrial) zoning district. The property is located along the west side of TH 63, east of East River Road NE and north of 41<sup>st</sup> Street NE.

July 15, 2003

This item was continued at the July 7, 2003 meeting to allow the applicants to work with the adjacent property owner, MnDOT, Public Works and Planning on the access to TH 63. At this time the access to TH 63 has not been resolved. Staff would recommend that the Council continue this item until the August 4, 2003 meeting. The Council will need to act on this application on the 4<sup>th</sup> as the time for acting on the applicant is up unless the applicants agree to waive the 60-day law.

#### Distribution:

- 1. City Administrator
- 2. City Attorney
- 3. Planning Department File
- 4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, July 21, 2003 in the Council/Board Chambers at the Government Center, 151 4th Street SE.
- 5. Civil Engineering Services Co.

Seconded By:	Action:	
•		



MEETING

de 1

DATE: 7-21-03

AGENDA SECTION: PUBLIC HEARINGS- Continued Item	ORIGINATING DEPT: PLANNING	ITEM NO.
PUBLIC HEARINGS- Continued Item	DI ANINIMO	1
	PLANNING	F-3
ITEM DESCRIPTION: General Development Plan #206 to be known as Morris Meadows by Morris Memorial LLC and Allen Koenig. The applicant is proposing to develop the property with commercial and industrial uses. The plan also identifies future roadway patterns on the property to the west and storm water detention facilities. The property is located along the west side of TH 63, east of East River Road NE and north of 41 <sup>st</sup> Street NE.		PREPARED BY: Brent Svenby, Planner

July 15, 2003

This item was continued at the July 7, 2003 meeting to allow the applicants to work with the adjacent property owner, MnDOT, Public Works and Planning on the access to TH 63. At this time the access to TH 63 has not been resolved. Staff would recommend that the Council continue this item until the August 4, 2003 meeting. The Council will need to act on this application on the 4<sup>th</sup> as the time for acting on the applicant is up unless the applicants agree to waive the 60-day law.

#### **Distribution:**

- 1. City Administrator
- 2. City Attorney
- 3. Planning Department File
- 4. Applicant: This item will be considered some time after 7:00 p.m. on Monday, July 21, 2003 in the Council/Board Chambers in the Government Center at 151 4th Street SE.
- 5. Civil Engineering Services Co.

Second by:	to:	



**MEETING** 

DATE: 7/21/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS	CITY ADMINISTRATOR	F. 4
ITEM DESCRIPTION: Establishment of Development	PREPARED BY:	
Financing District # 26-1 for the Rose Harbor Estates Single Family Housing		T.SPAETH S

As part of the "First Homes" program, the City has agreed to provide tax increment financing assistance for the purpose of providing a number of affordable owner occupied single family dwelling units in the City. One of the developments selected for participation in the "First Homes" program is Rose Harbor Estates Subdivisions, in which 20 lots were recently selected for participation.

The City is proposing to provide \$10,000 per lot x 20 lots =\$200,000 structured as an "up front payment" TIF project as previously agreed to by the Council for single family TIF projects participating in the First Homes program. The developer (DeWitz Construction) will be reimbursed the said amount at the time the home is sold to the eligible homebuyer.

The proposed tax increment financing district is set up wherein eligible homebuyers will be required to meet required income limitations such that the TIF district will be a "qualified" TIF district. There is no LGA penalty or local contribution requirement.

#### **COUNCIL ACTION REQUESTED:**

Adopt the resolution approving the Development District # 26 and Tax Increment Financing District Plan # 26-1

\*\* Please note that TIF Plan has not been included due to its length and the fact that it is essentially the same as the previously approved "First Homes" TIF Plans.

Second by:	to:	
	Second by:	Second by: to:



MEETING

DATE: 7/21/03

		7/21/00
AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO.
ITEM DESCRIPTION: Establishment of Development District # 27 and Tax Increment Financing District # 27-1 for the Kingsbury Hills 3rd Single Family Housing Project		PREPARED BY: T.SPAETH

As part of "First Homes" program, the City has agreed to provide tax increment financing assistance for the purpose of providing a number of affordable owner occupied single family dwelling units in the City. One of the developments selected for participation in the "First Homes" program is the Kingsbury Hills 3<sup>rd</sup> Subdivision, in which 10 lots were selected for participation.

The City is proposing to provide \$10,000 per lot x 10 lots =\$100,000 structured as an "up front payment" TIF project as previously agreed to by the Council for single family TIF projects participating in the First Homes program. The developer (Bigelow Enterprises) will be reimbursed the said amount at the time the home is sold to the eligible homebuyer.

The proposed tax increment financing district is set up wherein eligible homebuyer will be required to meet required income limitations such that the TIF district will be a "qualified" TIF district. There is no LGA penalty or local contribution requirement.

#### **COUNCIL ACTION REQUESTED:**

Adopt the resolution approving the Development District # 27 and Tax Increment Financing District Plan # 27-1

\*\* Please note that the TIF Plan has not been included in the Council packet due to its length and the fact that it is essentially the same as previously approved "First Homes" TIF Plans.

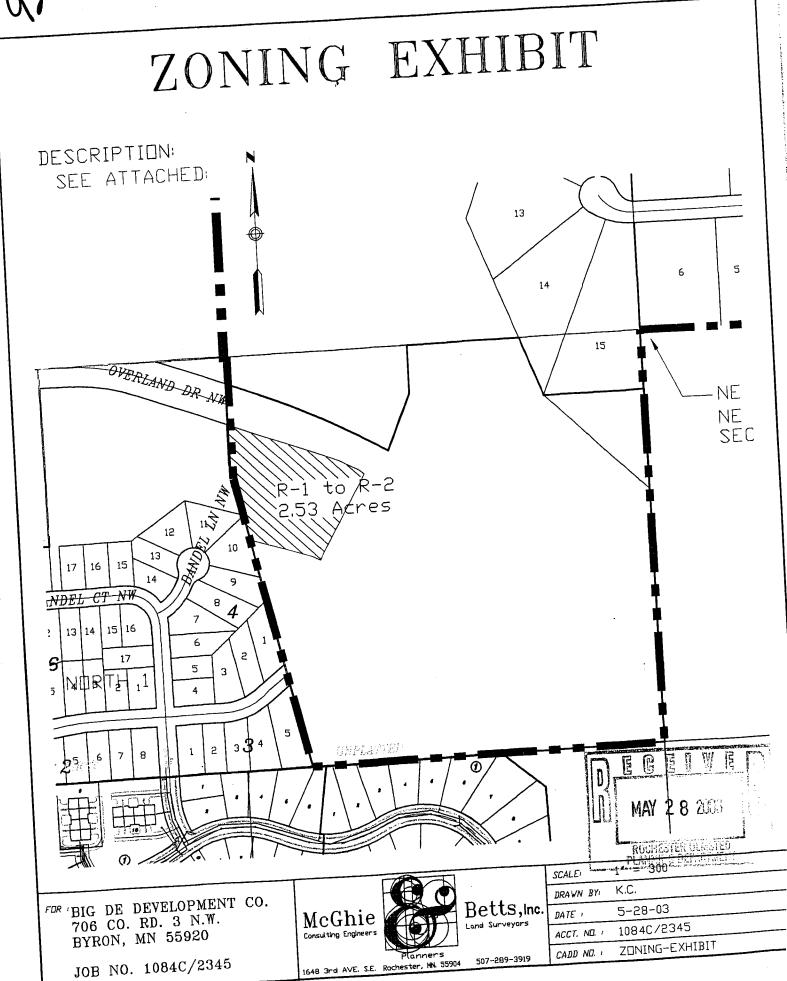
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COUNCIL ACTION: Motion by:	Second by:	to:	



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MEETING

		<b>DATE</b> : <u>7-21-03</u>
AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS	PLANNING	E-6
ITEM DESCRIPTION: Zoning District Amendment #03- applicant is proposing to zone approximately 2.53 ac Residential) zoning district. The property is located of Subdivision and north of the Boulder Ridge Second Stalignment of Overland Drive NW. A General Develops concurrent with this application.	east of the Bandel North First Subdivision and south of the future	PREPARED BY: Mitzi A. Baker, Senior Planner
July 14, 2003		
City Planning and Zoning Commission Recommendation	on:	
The City Planning and Zoning Commission held a public hea	aring on June 25, 2003, to consider this	petition.
Ms. Petersson moved to recommend approval of recommended findings. Mr. Quinn Seconded the	Zoning District Amendment #03-1 motion. The motion carried 7-0.	1 with staff
Planning Staff Recommendation: See attached staff report.		
Council Action Needed:  The Council should direct the City Attorney to pront this zone change.	repare findings of fact reflecting t	the Councils decision
If the Council approves this zone change as petition ordinance that can be adopted supported by file Zoning for the property.	ioned, it should instruct the City Andings of fact and conclusions	ttorney to prepare an of law to amend the
<ol> <li>Distribution:         <ol> <li>City Administrator</li> <li>City Attorney: Legal Description attached</li> <li>Planning Department File</li> </ol> </li> <li>McGhie &amp; Betts, Inc.</li> <li>Applicant: This item will be considered sometime after Chambers at the Government Center, 151 4th Street SE.</li> </ol>	r 7:00 p.m. on Monday July 21, 2003, i	in the Council/Board
COUNCIL ACTION:		
Motion By: Seconded B	y: Acti	on:



# 93



2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

**City Planning and Zoning Commission** 

FROM:

Mitzi A. Baker, Senior Planner

DATE:

June 11, 2003

RE:

Zoning District Amendment #03-11 by Big De Development. The

applicant is proposing to zone approximately 2.53 acres of land to the R-2 (Low Density Residential) zoning district. The property is located east of the Bandel North First Subdivision and north of the Boulder Ridge Second Subdivision and south of the future alignment of Overland Drive NW. A General Development Plan is being considered concurrent with

this application.

#### Planning Department Review:

Applicant/Owner:

BIG DE Development

706 County Road 3 NW

Byron, MN 55920

Consultants:

McGhie & Betts, Inc. 1648 3<sup>rd</sup> Ave. SE

Rochester, MN 55904

Location of Property:

This property is located east of Bandel Road and Bandel North First Subdivision, and south of the

future alignment of Overland Drive NW (easterly

extension of 65<sup>th</sup> St.).

**Requested Action:** 

The applicant requests 2.53 acres of land be rezoned from R-1 to R-2 (Low Density Residential).

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**Existing Land Use:** 

The property is undeveloped and is designated for "low density residential" types of uses on the Rochester Urban Service Area Land Use Plan.

Proposed Land Use:

The applicant is proposing to develop this site with townhomes or single family attached housing in the R-2 zoning district. A General Development Plan is being processed concurrent with this application.

Adjacent Land Use and

Zoning:

Properties in this area are identified for "Low Density

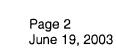
Residential" uses on the Land Use Plan.

**Transportation Access:** 

General Development Plan application #210 is being

processed for this property concurrent with this Zoning District Amendment petition. The GDP





identifies a future public road linking Bandel North First and Overland Drive. The portion of the property included in the zone change request would be accessed from this extended roadway.

Wetlands:

According to the Soil Survey, no hydric soils exist on this property. The property owner is, however, responsible for identifying wetlands.

**Neighborhood Meeting:** 

A neighborhood meeting was held June 10, 2003. A summary of that meeting is enclosed.

**Referral Comments:** 

1. See comments attached to General Development Plan #210, Bandel North Second & Third.

**Report Attachments:** 

1. Location Map

2. Area Zoning Map

#### Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
  - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
  - b) The area was originally zoned erroneously due to a technical or administrative error;
  - While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or
  - d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

Finding for Proposed R-2: The Rochester Urban Service Area Land Use Plan designates this property as appropriate for "low density residential" types of uses. Uses within the R-2 zoning district would be consistent with the current land use designation. Rezoning this property would help further the policies and goals found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, which encourage developing a range of densities and development styles. Re-zoning could also help to further goals and policies found within Chapter 3 of the Housing Plan to increase the supply of housing.

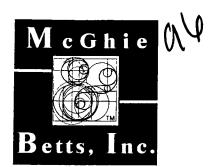
2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:



- a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and
  - <u>Finding for Proposed R-2:</u> Uses allowed within the R-2 zoning district will be appropriate on the property and compatible with adjacent properties. The Bandel North Second and Third General Development Plan, being considered concurrent with this re-zoning petition, identifies a general layout of roadways and townhomes on the property. A detailed zoning review will be conducted in the future following site plan application submittal by the applicant.
- b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).
  - <u>Proposed R-2:</u> The amendment to R-2 would be consistent with the Rochester Urban Service Area Land Use Plan designation for this property as "low density residential", and would not be considered spot zoning.

#### **Staff Recommendation:**

Findings can be made to support this request. Staff recommends approval to zone 2.53 acres to the R-2 (Low Density Residential) district.



Rochester Minnesota

Land Surveying

Urban - Land Planning

Consulting - Civil Engineering

Geotechnical Engineering

Construction Material Testing

Landscape Architecture

June 18, 2003

Mr. Brent Svenby Consolidated Planning & Zoning Department 2122 Campus Drive SE Rochester, MN 55904

RE: Bandel North Second and Third Neighborhood Meeting Notes

Dear Mr. Svenby:

In accordance with Section 60.605 (B) of the amended zoning ordinance, we are submitting, on behalf of the applicant, Big De Development, a copy of the minutes of the Neighborhood Informational Meeting which was held on June 10, 2003, 7:00 P.M. at, Calvary Evangelical Free Church, Rochester, Minnesota.

An attendance list is also enclosed for your reference.

If you have any questions, please contact me.

McGhie & Betts, Inc

Kristi L. Clarke, AICP

Land Planner

Attachment

pc: Mr. Tony Bigelow, Developer

Mr. Ward Opitz

1648 Third Avenue S.E. Rochester, MN 55904

Tel. 507.289.3919 Fax. 507.289.7333

e-mail. mbi@mcghiebetts.com

Fetablished 1946



# Minutes of the Neighborhood Informational Meeting for **Bandel North Second and Third** On June 10, 2003, 7:00 p.m. at Calvary Evangelical Free Church

It Attendance:

See attached attendance list

Purpose:

The purpose of the meeting was to introduce the proposed General Development Plan and Zone Change from R-1 to R-2 on 2.53 acres and to answer questions and document concerns or issues that may

need further investigation or consideration.

#### **General Discussion:**

Ms. Clarke, representing McGhie & Betts, Inc. introduced the General Development Plan for Bandel North Second and Third and the process for submitting and reviewing the plans. We discussed the purpose of a neighborhood informational meeting and outlined the dates and locations of the next two public hearings to be held on June 25 and July 21, 2003. We also discussed the zone change from R-1 to R-2 on approximately 2.53 acres.

We discussed the general location, surrounding infrastructure such as existing roads with their classifications and current and proposed utilities. We discussed the moderate to steep slopes within the project area and the use of cul-de-sacs and mixed housing to reduce the need for excessive grading within the site. Overland Drive's scheduled construction and width was discussed. No private drive access will be given along Overland. We then discussed the phasing of the project.

Ms. Clarke introduced Mr. Tony Bigelow and Ward Opitz as the property owners/developers for this General Development Plan.

The following questions and comments were reviewed by the attendee and recorded by Ms. Clarke. Responses to the questions have been drafted and follow each question/comment.

#### **Questions and Answers:**

Question #1 How many lanes of traffic are designed for Overland Drive?

Answer #1

Overland Drive is proposed to be at least 3 or 4 lanes and classified as a Major Arterial. Private driveways will not be allowed into this roadway i.e. controlled access along the north and south side of the Overland Drive. Contact the City of Rochester's Public Works Dept. for more specific details about the construction and ultimate ROW widths.



Question #2 The existing water pressure for our homes in Bandel North First is fairly low at times. Will there be another source for water for Bandel North Second and Third?

Answer #2 Static water pressure within Bandel North Second and Third will be from the upper 50's to upper 80's. This range is enough to maintain the minimum flow rate needed to provide adequate emergency protection. In addition, the waterline within this subdivision will loop though Overland Lane and Flagstone Lane and connect to Boulder Ridge Third Subdivision. This loop should increase the water pressure. Contact RPU's service department if you continue to experience reduced water pressure. You might have something wrong within your site that is reducing the pressure.

Question #3 Who maintains the detention pond within the City? Are the ponds going to be treated for the West Nile Virus?

Answer #3 Detention ponds throughout the city are either maintained by the City of Rochester, if they drain more than 50 acres, or are maintained by homeowner associations from private lots. I do not know if any of the ponds in Rochester are being chemically treated for West Nile Virus. The pond directly north of your site is not treated for West Nile Virus.

Developers must work with the Public Work's Department to determine the type of detention needed for each site. Some property's storm sewer will flow into existing regional ponds, some sites are handled by piping the water away from the site and some are retained on-site. The City of Rochester is following State guidelines and the State is directed by the Federal Clean Water Act as to how to build, and maintain these facilities.

Perhaps you could speak with the City Commissioners to look into the issue along with the City's Health Department.

Question #4 Will there be a park within this site?

Answer #4 No. The Parks and Recreation Department has determined that a park should not be developed at this location.

Question #5 Will the existing trees just south of Overland Drive be saved?

Answer #5 The existing trees will most likely not be saved. With the combined construction of Overland Drive and the townhomes in the northeast corner of the site, the tree line will be severely impacted. However, we will try to save as many as possible. Trees along the Overland Drive corridor can reduce the visual and noise impacts for the homeowners.



Rochester

Minnesota

1648 Third Avenue S.E. Rochester, MN 55904

Tel. 507.289.3919 Fax. 507.289.7333 e-mail. mbi@mcghiebetts.com Established 1946

# **Attendance Koll**

**NEIGHBORHOOD MEETING** 

PROJECT: 'B

Bandel North Second and Third

General Development Plan and Rezone R-1 to R-2

DATE:

June 10, 2003

TIME:

7:00 p.m.

PLACE:

Calvary Evangelical Free Church (Room 101)

NAME	ADDRESS	PHONE NO/ FAX NO./ E-MAIL ADDRESS
1. Kyusto Clarke	1648 S.E. 3th Abe.	507-289-3919
2. WARD OPHZ	BIGKLUW ENTERPRISES	57-775-7780
3. RON + STACY HAUGED	2752 Boulder Ridge Dr NW	507-285-9516
4. Carol Adamson	le386 Bandel Lane NW	507) 280-0157
5. Joe + Marissa Hanly	2786 Boulder Ridge Dr. NW	507.285.1293
6. Carol Busey	2770 Boulder Ridge Dr nw	289-7684
7. Sheryl hueas	2525 Boulder Ridge DR WW	281-3398
8.	9	
9.		
10.		
11.		
12.		
13.		
14.		

# SEE REFERRAL

**COMMENTS** 

ATTACHED TO

**GDP #210** 

Hearing Date: June 25, 2003



recommended findings and conditions, with the clarification that the applicant work out the 150 foot suggested access by Park and Recreation Department prior to being heard by the City Council. Ms. Rivas seconded the motion. The motion carried 7-0.

#### CONDITIONS:

- 1. The GDP shall be revised to accommodate the following:
  - The GDP will need to be amended to provide a minimum 150 wide access to the reservoir site, at the west property boundary;
  - Mid-block connections will be required consistent with the Rochester Zoning Ordinance and Land Development Manual regulations;
  - Label "Proposed Medium Density Residential R-3" as "Potential Future Medium Density Residential R-3"; Label "Proposed 60' Floodway Channel" as "Potential Future 60' Floodway Channel";
  - Identify an alternate pond site outside of the existing Floodway, in case the Floodway boundary is not amended;
  - Show a minimum 60' wide right-of-way for 19<sup>th</sup> St. NW;
  - Identify proposed access locations to serve the "Potential Future Medium Density Residential" area and proposed R-2 areas.
- 2. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to; substandard street reconstruction charges and Transportation Improvement District charges, transportation improvements including turn lanes and access control, stormwater management, park dedication, pedestrian facilities, right-of-way dedication, dedication of controlled access, access and extension of utilities, phasing of development and contributions for public infrastructure.
- 3. Pedestrian facilities will be required on both sides of all new public roadways and along the entire frontage of 19<sup>th</sup> St. NW.
- 4. At the time of platting: a minimum 60' wide right-of-way dedication will be required for 19th St. NW; controlled access will be required for the entire frontage of 19th St. NW with the exception of any approved roadway access openings; traffic claming measures shall be incorporated into the north/south public roadway along the eastern edge of the property if determined necessary by the City.
- 5. Parkland dedication shall be met via a combination of land and cash in lieu of as specified in the June 3, 2003 memorandum from Rochester Park and Recreation. This dedication shall include a 150' wide park access to the reservoir site to the west.
- 6. Future development of the portion of the property in the existing Floodway is contingent upon the applicant successfully amending the Floodway boundary in the future.



Zoning District Amendment #03-11 by Big De Development. The applicant is proposing to zone approximately 2.53 acres of land to the R-2 (Low Density Residential) zoning district. The property is located east of the Bandel North First Subdivision and north of the Boulder Ridge Second Subdivision and south of the future alignment of Overland



Page 10

City Planning and Zoning Commission Minutes

Hearing Date: June 25, 2003

# <u>Drive NW. A General Development Plan is being considered concurrent with this application</u>

AND

General Development Plan #210 by Big De Development to be known as Bandel North
Second and Third. The applicant is proposing to develop approximately 28.74 acres with
single attached and detached housing. A Zoning District Amendment is being
considered concurrent with this application. The property is located east of the Bandel
North First Subdivision and north of the Boulder Ridge Second Subdivision and allows
for the continuation of Bandel Drive NW.

Ms. Mitzi A. Baker presented the staff reports, dated June 11, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Ms. Baker stated that at a future date the applicant will need to bring in a separate general development plan for the property on the north side of Overland Drive, which is not included in this proposed general development plan.

Mr. Burke stated that he though that policy had been formed earlier with regard to using the R-1x instead of the R-2 zoning district for townhomes.

Ms. Baker responded that the R-2 zoning district allows for a different style of housing than the R-1x. Single family attached dwellings are not allowed in the R-1x. There is some flexibility.

Mr. Ward Opus, of Bigelow Enterprises, addressed the Commission. He stated that the applicant proposes to build townhomes in the zone change area.

Ms. Petersson asked if there would be basements.

Mr. Opus responded that if the grading allows, there would be some slab on grade. He stated that the applicant is in agreement with all the staff-recommended conditions except for number 5 regarding the mid-block pedestrian connection between the two cul-de-sac bulbs. After speaking with the engineer, there would be a 16 foot fill to accommodate this. He stated that the reason for the two cul-de-sac bulbs was due to the grade. Rather than having it as a condition, he asked that the consultant and planning review the feasibility.

Mr. Quinn asked who would determine if it were topographically feasible.

Ms. Baker responded that a determination would be made between Planning and Public Works. She explained that, the way the condition is worded, it leaves it open until the grading plans are reviewed on the site.

Ms. Rivas asked if a substantial land alteration would be submitted for the site.

Mr. Opus responded that it was probable.

Discussion ensued regarding being handicapped accessible.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Haeussinger moved to recommend approval of Zoning District Amendment #03-11 by



Big De Development based on the staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 7-0.

Mr. Haeussinger moved to recommend approval of General Development Plan #210 by Big De Development to be known as Bandel North Second and Third based on the staff-recommended findings and conditions, with the understanding that condition number 5 regarding the mid-block pedestrian connection would be worked out between staff of various departments to come up with the most feasible solution. Mr. Quinn seconded the motion. The motion carried 7-0.

#### **CONDITIONS:**

- 1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City for portions of the property not currently included in an executed Development Agreement. The agreement will outline the obligations of the applicant relating to, but not limited to; stormwater management, transportation improvements, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, extension of public utilities to abutting properties, and stipulations for phasing of development subject to the availability of adequate public facilities.
- Pedestrian facilities are required along both sides of all new public roads, including a 10' wide bituminous path along the entire frontage of both sides of Overland Drive.
- 3. At the time of platting: any mid-block pedestrian connections will be required to be on a 30' wide Outlot at the time of platting; dedication of 120' width right-of-way will be required for Overland Drive NW; dedication of access control will be required along the entire frontage except where public road access openings are approved. Dedication of access control will also be required along both frontages of Bandel Dr. NW from Overland Dr. NW to Overland Ln. NW, and along both frontages of Granite Dr. NW from Overland Dr. NW to Flagstone Ln.
- 4. Parkland dedication shall be met via cash in lieu of land per the June 2, 2003 memorandum from Rochester Park and Recreation.
- 5. If topographically feasible, a mid-block pedestrian connection shall be provided between the two cul-de-sac bulbs.
- The GDP shall be revised to: identify a mid-block pedestrian connection between the two cul-de-sac bulbs; to label the Bandel North Third area as being "Potential" future re-zone to R-2.
- 7. Watermain must be looped through the cul-de-sac streets.

#### **OTHER BUSINESS:**

1. Appoint Commissioner to Cascade Gake Citizen Advisory Group

Ms. Rivas expressed interest on being appointed to the group.

Ms. Petersson moved to appoint Ms. Rivas to the Cascade Lake Citizen Advisory Group.



# REQUEST FOR COUNCIL ACTION

**MEETING** 

**DATE:** 7-21-03

		7 21 95
AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS	PLANNING	E-1
ITEM DESCRIPTION: General Development Plan #210 known as Bandel North Second and Third. The applic approximately 28.74 acres with single attached and delocated east of the Bandel North First Subdivision and Subdivision and allows for the continuation of Bandel	PREPARED BY: Mitzi A. Baker, Senior Planner	
NOTE: See CPEC minutes	from previous zone	

July 14, 2003 NOTE: See CP2C minutes from previous zone change hearing.

A revised Plan was submitted following the Planning Commission meeting, to address staff recommended modifications. In response, staff recommends modifications to the conditions, as shown in strikethrough (to delete) and underlined (new) text.

### City Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission held a public hearing on this item on June 25, 2003.

Mr. Haeussinger moved to recommend approval of General Development Plan #210 by Big De Development to be known as Bandel North Second and Third with the staff-recommended findings and conditions, with the understanding that condition #5 regarding mid —block connections would be worked out to come up with a feasible solution. Mr. Quinn seconded the motion. The motion carried 7-0. The commission recommended the following conditions/modifications:

- 1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City for portions of the property not currently included in an executed Development Agreement. The agreement will outline the obligations of the applicant relating to, but not limited to; stormwater management, transportation improvements, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, extension of public utilities to abutting properties, and stipulations for phasing of development subject to the availability of adequate public facilities.
- 2. Pedestrian facilities are required along both sides of all new pubic roads, including a 10' wide bituminous path along the entire frontage of both sides of Overland Drive.
- 3. At the time of platting: any mid-block pedestrian connections will be required to be on a 30' wide Outlot at the time of platting; dedication of 120' width right-of-way will be required for Overland Drive NW; dedication of access control will be required along the entire frontage except where public road access openings are approved. Dedication of access control will also be required along both frontages of Bandel Dr. NW from Overland Dr. NW to Overland Ln. NW, and along both frontages of Granite Dr. NW from Overland Dr. NW to Flagstone Ln.
- 4. Parkland dedication shall be met via cash in lieu of land per the June 2, 2003 memorandum from Rochester Park and Recreation.
- 5. If topographically feasible, a mid-block pedestrian connection shall be provided between the two cul-de-sac
- 6. The GDP shall be revised to: identify a mid-block pedestrian connection between the two cul-de-sac bulbs; to label the Bandel North Third area as being "Potential" future re-zone to R-2.
- 7. Watermain must be looped through the cul-de-sac streets.
- 8. At the time of platting, a mid-block pedestrian connection shall be provided between the two cul-de-sac bulbs, if determined feasible based on proposed subdivision grading.

COUNCIL ACTION: Motion by:	Second by:	to:	
		<del></del>	<u></u>

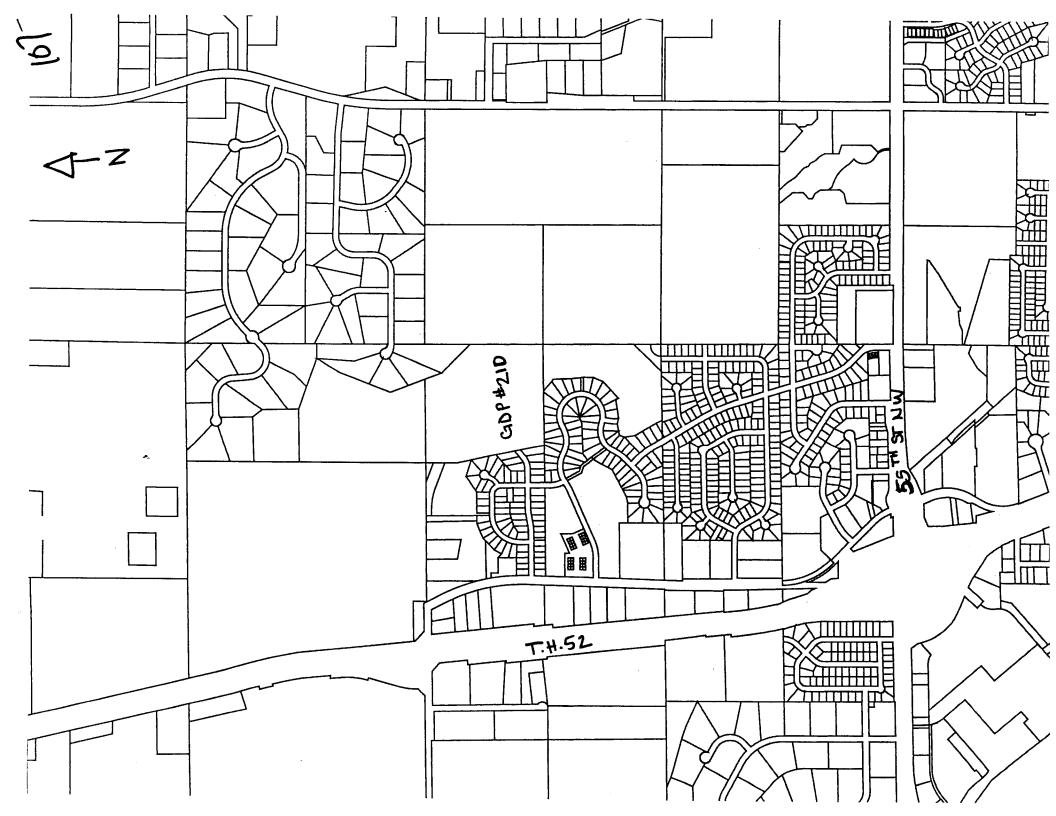
Page 2 RCA July 14, 2003

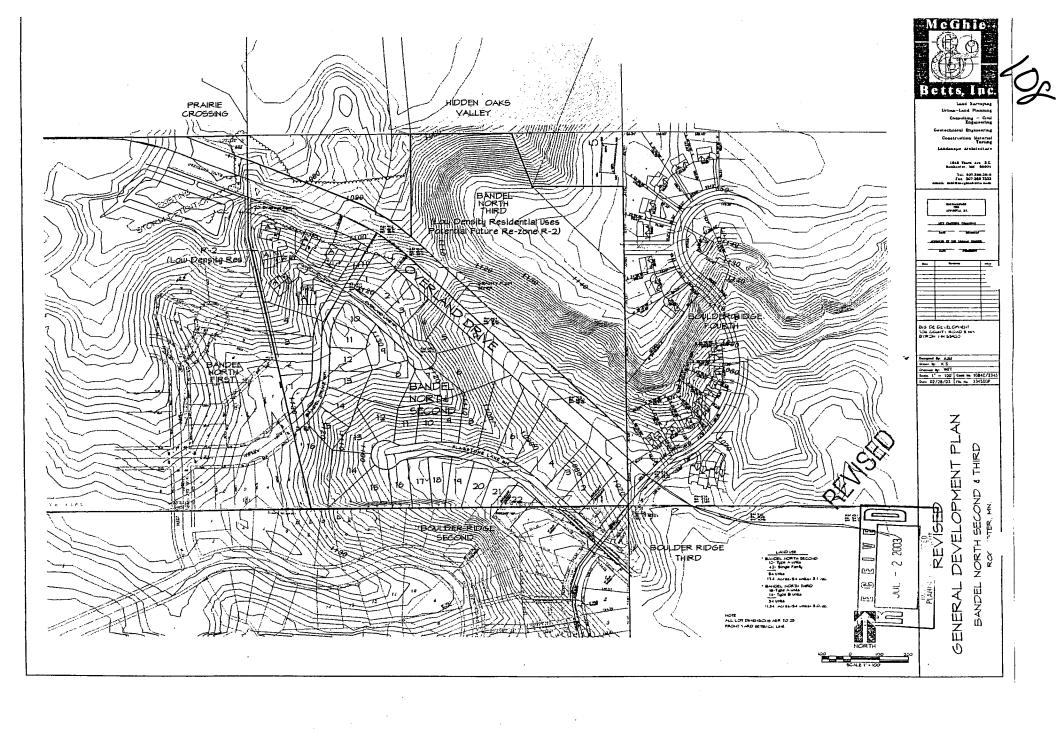
# **Council Action Needed:**

1. If the Council wishes to approve the General Development Plan it should instruct the City Attorney to prepare a resolution, with findings, for Council approval.

### **Distribution:**

- 1. City Administrator
- 2. City Attorney
- 3. Planning Department File
- 4. McGhie & Betts, Inc.
- 5. Applicant: This item will be considered some time after 7:00 p.m. on Monday July 21, 2003 in the Council / Board Chambers in the Government Center at 151 4th Street SE.





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### ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

City Planning and Zoning Commission

FROM:

Mitzi A. Baker, Senior Planner

DATE:

June 19, 2003

RE:

General Development Plan #210 by Big De Development to be known as Bandel North Second and Third. The applicant is proposing to develop approximately 28.74 acres with single attached and detached housing. A Zoning District Amendment is being considered concurrent with this application. The property is located east of the Bandel North First Subdivision and north of the Boulder Ridge Second Subdivision and allows for the continuation of Bandel Drive NW.

# Planning Department Review:

Applicant/Owner:

**BIG DE Development** 

706 County Road 3 NW

Byron, MN 55920

Consultants:

McGhie & Betts, Inc. 1648 3<sup>rd</sup> Ave. SE Rochester, MN 55904

Size and Location:

This property is located east of Bandel Road and Bandel North First Subdivision, and south of the future alignment of Overland Drive NW

(easterly extension of 65<sup>th</sup> St.).

**Existing Land Use:** 

The property is currently undeveloped and designated for "low density

residential" types of uses on the Rochester Urban Service Area Land

Use Plan.

Proposed Use:

The applicant requests 2.53 acres of land be re-zoned from R-1 to R-

2 (Low Density Residential).

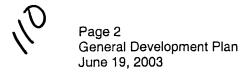
The General Development Plan identifies the planned "Overland Drive" extension through the site, which will provide a connection from 65<sup>th</sup> St. NW at TH 52 to 18<sup>th</sup> Ave. NW. Both public and private roads

are proposed, including two public cul-de-sac roads.

Land Use Plan:

The Rochester Urban Service Area Land Use Plan designates this





property as suitable for "low density residential uses.

The applicant requests 2.53 acres of land be re-zoned from R-1 to R-Zoning:

> 2 (Low Density Residential). The remainder of the site is zoned R-1. The GDP identifies an intent to file a re-zoning petition, to the R-2 district, for a portion of the property lying north of Overland Drive.

This Plan proposes both private and public roadways. The public Streets:

roadways include two cul-de-sac bulbs. A private road is proposed to

serve the area petitioned to be re-zoned to the R-2 district.

Pedestrian facilities will be required on both sides of all new public Sidewalks:

roadways. A 10' wide bituminous path will be required along the

entire frontage of both sides of Overland Drive NW.

Most of the property drains to the east/southeast. Stormwater Drainage:

management is proposed to be via discharge into the public storm sewer system in Overland Drive, or to the existing pond located west

of this property.

Detailed grading and drainage plans will be required when the

property is platted or developed.

According to the Soil Survey, no hydric soils exist on this property. Wetlands:

The property owner is, however, responsible for identifying wetlands.

Both sanitary sewer and watermain are proposed to be extended from **Public Utilities:** 

the west.

Parkland dedication requirements for this development need to be **Parkland** 

satisfied via cash in lieu of land. Dedication:

1. Proposed General Development Plan & Narrative Report

2. Referral Comments Attachments:

# Staff Suggested Findings and Recommendation:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the criteria for approval of a general development plan. Staff suggested findings are in bold italics print.

The proposed land uses are generally in accord with the adopted Comprehensive Criteria A. Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or

plan amendment request.

The Rochester Urban Service Area Land Use Plan identifies this property for "low density residential "uses. This GDP proposes a low density residential development. A petition to re-zone 2.53 acres of the site to the R-2 (Low Density Residential) district is being considered concurrently.

11/

Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

Proposed lot sized, and density appear generally consistent with the land use designation and should be compatible with existing and future use of adjacent lands. The area labeled for proposed future re-zoning to R-2 will be evaluated separately when a zone change petition is submitted for that parcel.

Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

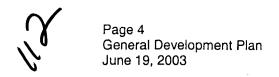
This development includes both single family detached and single family attached homes.

The Rochester Urban Service Area Land Use Plan designates this property as appropriate for "low density residential" types of uses. Uses proposed on the property would be consistent with the current land use designation. The mix of housing would help further the policies and goals found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, which encourage developing a range of densities and development styles. This development could also help to further goals and policies found within Chapter 3 of the Housing Plan to increase the supply of housing.

Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

This Plan includes right-of-way needed for Overland Drive, which is designated as a future Arterial on the Thoroughfare Plan. Dedication of 120' right-of-way width will be required for the entire frontage along Overland Drive.

- Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.
  - Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.



The Plan does'identify "Overland Drive", and arterial roadway planned to be extended from TH 52 to 18<sup>th</sup> Ave. NW. Right-of-way dedication will be required for this roadway.

Development will need to be phased to provide concurrency with infrastructure improvements necessary to serve the development.

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

Both sanitary sewer and watermain are proposed to be extended from the west.

Most of the property drains to the east/southeast. Stormwater management is proposed to be via discharge into the public storm sewer system in Overland Drive, or to the existing pond located west of this property.

Detailed grading and drainage plans will be required when the property is platted or developed.

 The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

Sidewalk will be required on both sides of all new public roadways. In addition, a 10' wide bituminous path is required along CR 2/ Viola Road.

Parkland dedication for this development will need to be met via cash in lieu of land.

Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

Most of the property drains to the east/southeast. Stormwater management is proposed to be via discharge into the public storm sewer system in Overland Drive, or to the existing pond located west of this property.

Detailed grading and drainage plans will be required when the property is platted or developed.

Page 5 General Development Plan June 19, 2003



Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

The Rochester Urban Service Area Land Use Plan identifies this property for "low density residential "uses. This GDP proposes a low density residential development. A petition to re-zone 2.53 acres of the site to the R-2 (Low Density Residential) district is being considered concurrently.

Proposed lot sized, and density appear generally consistent with the land use designation and should be compatible with existing and future use of adjacent lands. The area labeled for proposed future re-zoning to R-2 will be evaluated separately when a zone change petition is submitted for that parcel.

### Recommendation:

This applicant owns property on the north side of Overland Drive, which is not included in the GDP. Though a roadway access location is shown the Plan does not identify future land uses and road alignments through the property. The applicant should include that property in this GDP. If it is not included, a separate GDP will be required for that property in the future.

Staff recommends approval subject to the following conditions and/or modifications:

- 1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City for portions of the property not currently included in an executed Development Agreement. The agreement will outline the obligations of the applicant relating to, but not limited to; stormwater management, transportation improvements, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, extension of public utilities to abutting properties, and stipulations for phasing of development subject to the availability of adequate public facilities.
- 2. Pedestrian facilities are required along both sides of all new pubic roads, including a 10' wide bituminous path along the entire frontage of both sides of Overland Drive.
- 3. At the time of platting: any mid-block pedestrian connections will be required to be on a 30' wide Outlot at the time of platting; dedication of 120' width right-of-way will be required for Overland Drive NW; dedication of access control will be required along the entire frontage except where public road access openings are approved. Dedication of access control will also be required along both frontages of Bandel Dr. NW from Overland Dr. NW to Overland Ln. NW, and along both frontages of Granite Dr. NW from Overland Dr. NW to Flagstone Ln.

Page 6 General Development Plan June 19, 2003

- 4. Parkland dedication shall be met via cash in lieu of land per the June 2, 2003 memorandum from Rochester Park and Recreation.
- 5. If topographically feasible, a mid-block pedestrian connection shall be provided between the two cul-de-sac bulbs.
- 6. The GDP shall be revised to: identify a mid-block pedestrian connection between the two cul-de-sac bulbs; to label the Bandel North Third area as being "Potential" future re-zone to R-2.
- 7. Watermain must be looped through the cul-de-sac streets.

# REFERRAL

# COMMENTS



# ROCHESTER

# --- Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4<sup>th</sup> Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 6/13/03

The Department of Public Works has reviewed the application for <u>General Development Plan #210</u> for the proposed <u>Bandel North Second & Third</u> development. The following are Public Works comments on this request:

- 1. A Development Agreement has previously been executed for the portion of this Property lying south of the future Overland Dr NW. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement for the remainder of the Property with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, extension of public utilities to abutting properties, and stipulations for phasing of development subject to the availability of adequate public facilities.
- 2. The excluded area of the applicants Property lying north of Overland Dr NW should be included in the GDP.
- 3. Grading & Drainage Plan approval is required prior to development, and a Stormwater Management charge will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP).
- 4. Pedestrian facilities are required at the Owner's expense along both sides of all new public roads within this development. In addition, the Owner is obligated for constructing/paying for the construction of a 10 foot wide bituminous pedestrian path along the entire frontage of both sides of Overland Dr NW.
- 5. Consideration should be given to providing a mid-block connection outlot connecting Overland Ln NW and Flagstone Ln NW.
- 6. The Owner will be required to dedicate any required mid-block pedestrian connections on separate Outlot(s), and construct the required pedestrian path connections within the Outlot(s).
- 7. Dedication of 120 feet of ROW is required for Overland Dr NW, as shown on the GDP.



# ROCHESTER

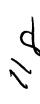
# — Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4<sup>th</sup> Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

- 8. Dedication of controlled access will be required through the platting process, along both frontages of Bandel Dr NW from Overland Dr NW to Overland Ln NW, along both frontages of Granite Dr NW from Overland Dr NW to Flagstone Ln NW, and for the entire frontage of Overland Dr NW, with the exception of the public road access location approved through the GDP process for Bandel Dr NW, and unnamed public road extending north from Overland Dr NW.
- 9. Execution of a City-Owner Contract will be required prior to construction of each phase of development, for all public infrastructure to serve this property.
- 10. Specific routing of utilities will be addressed through the platting process and plan review.
  - Charges/fees applicable to the development of this property will be addressed in the Development Agreement and City-Owner Contract(s) for the Property.





# ROCHESTER PARK AND RECREATION DEPARTMENT

June 2, 2003

TO:

Jennifer Garness

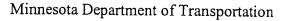
**Planning** 

RE:

Bandel North 2<sup>nd</sup> and 3<sup>rd</sup>

General Development #210

Parkland dedication for the development should be in the form of cash in lieu of land. Neighborhood parkland needs for the development can be met at the 40 acre school / park site located adjacent to the proposed development.





Minnesota Department of Transportation - District 6
Mail Stop 060
2900 48<sup>th</sup> Street N.W.

Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355 E-mail: dale.maul@dot.state.mn.us

June 5, 2003

Jennifer Garness Rochester Olmsted Planning Department 2122 Campus Drive SE – Suite 100 Rochester, MN 55904

Re: General Development Plan #210 by Big De Development to be known as Bandel North Second and Third. The applicant is proposing to develop approximately 28.74 acres with single attached and detached housing. The property is located east of Bandel North First Subdivision and north of the Boulder Ridge Second Subdivision and allows for the continuation of Bandel Drive NW.

Zoning District Amendment #03-11 by Big De Development. The applicant is proposing to zone approximately 2.53 acres of land to the R-2 (Low Density Residential) zoning district. The property is located east of the Bandel North First Subdivision and north of the Boulder Ridge Second Subdivision and south of the future alignment of Overland Drive NW.

Dear Ms. Garness:

Mn/DOT has reviewed the proposed Zoning District Amendment and General Development Plan for Bandel North Second and Third as described above.

With this development and other proposed developments in this area of Rochester, the US Highway 52 interchange at 55<sup>th</sup> Street NW may soon reach its capacity. Beyond the current plans for improving US Highway 52, Mn/DOT cannot address the traffic backups that further development creates. The City of Rochester is urged to consider the consequences of continued development that the transportation system cannot adequately handle.

Thank you for your consideration. If you have questions, you may contact Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

Dale E. Maul

Planning Director

ale EMS





June 4, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: General Development Plan #210 by Big De Development to be known as Bandel North Second and Third.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

- 1. This property is within the Northwest High Level Water System Area, which is available at the end of Bandel Drive NW and will be available soon at Flagstone Lane NW with the completion of Boulder Ridge Second.
- 2. Static water pressures within this area will range from the upper 50's to upper 80's PSI.
- 3. The water main in the cul-de-sac streets must be looped and water mains must be extended to adjacent properties per our requirements.
- 4. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Gale Mount, Building & Safety
McGhie & Betts, Inc.
Big De Development

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# WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: GDP #210 Big De Development

$\boxtimes$	No hydric soils exist on the site based on the Soil Survey
	Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
	A wetland delineation has been carried out for the property and is on file with the Planning Department.
	A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
	A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
	No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
	Other or Explanation:



# Rochester Building Safety Department

# Memo

To:

Jennifer Garness, Planning Department

From:

Kenneth Heppelmann

CC:

Mark Sparks, Electrical Inspector Gary Schick, Plumbing Inspector

Big De Development McGhie & Betts, Inc

Date:

June 11, 2003

Re:

General Development Plan #210, Bandel North Second and Third.

The above referenced development appears to indicate new construction that is regulated under the Building Code and will require building permits. Complete plans and specifications are required to be submitted for a building permits prior to construction.

The proposed construction appears to consist of attached single-family dwellings (townhomes) on separate lots with property lines between the units. Please verify the following items:

- Separate utility services (i.e. sewer, water, gas, electric, etc.) are required to be provided to each dwelling unit. The utilities are not permitted to encroach onto or through the adjacent lots.
- The dwelling units are required to be separated with fire resistive rated wall assemblies in accordance with the 2000 IRC, Section 321.2.
- The fire resistive rating of exterior walls, and projections from such walls, with a fire separation distance of less than three feet is required to comply with IRC Section 302.1.

Please let me know if you have any questions or concerns.

Thank you

# PROPOSED GDP & NARRATIVE REPORT



# **Bandel North Second and Third**

# General Development Plan May 2003

# 5.0 CRITERIA FOR APPROVAL OF GDP – LAND DEVELOPMENT MANUAL – APPENDIX B SECTION E

An application for a General Development Plan shall be accompanied by the following information:

A. Topographic or soils conditions which, in the estimation of the applicant, may create potential problems in the street, drainage, public utilities or building design an construction, and how these problems will be investigated further or engineered to overcome the limitations;

Moderate to steep slopes characterizes this site. The use of cul-de-sacs and mixed housing styles will allow for greater flexibility in building design and location thereby reducing the cuts and fills needed for the building pads.

There are no unusual problems with erosion, drainage, or construction associated with this project. The site/grading/utility plan will specifically identify the necessary improvements. The construction plans will detail the temporary erosion control measures that will be taken to prevent erosion during construction.

- B. Storm drainage problems which, in the estimation of the applicant, may result in costs that will exceed normal storm drainage costs;
  - a) The proposed public facilities are adequate to serve the property under consideration. The area designated as Bandel North Third will not be developed until a private roadway connection from Granite Drive N.W. can

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be made. This connection will also provide sanitary sewer and watermain for the developable area in Bandel North Third.

- b) Water: This GDP proposes to connect to the existing watermains in Bandel Drive N.W. and continue to Overland Drive. An interior loop will connect from Overland Lane N.W. to Flagstone Lane N.W. back into Granite Drive N.W. Bandel North Third will connect to the watermain proposed for Boulder Ridge Fourth when that street is built.
- c) Sanitary Sewer: A sanitary sewer line is proposed from the western property boundary of this GDP in Bandel Drive N.W. to Overland Drive. This private drive and public cul-de-sac will feed into this main line. Flagstone Lane will connect into Granite Drive. Residential uses within Bandel North Third will connect into Granite Drive further north through the 50' private drive located on the GDP.
- d) Storm Sewer: The discharge from the residential uses along Bandel Drive, Overland Lane and the private drive will discharge into the future Overland Drive storm sewer or to the existing storm detention pond located just west of the site. The discharge from Bandel North Third will be directed to the future Overland Drive storm sewer.
- C. Identification of potential off-site drainage problems;

All off-site drainage will flow into the Overland Drive N.W. storm sewer utility or be channeled to the detention pond located just west of the site for Bandel North Second. Bandel North Third's off-site drainage will be directed to the future Overland Drive storm sewer.

D. Availability of utilities to serve the area under consideration;

Utilities are available to serve the site.

E. Identification of possible erosion problems which may arise in the estimation of the applicant;

Standard erosion control practices will be in place during construction.



F. A general statement as to the possible phasing of any development activity to occur on the property under the control of the applicant.

Bandel North Second will be completed as one phase including 38 single-family homes and 12 townhome units within the R-2 zone. Bandel North Third will be completed as the second phase.

In addition, the proposed land uses are consistent with the Zoning Map and Comprehensive Plan with the R-2 zone change along the northwestern edge of the General Development Plan Boundary. (See attached map.) The properties to the north, south, east and west are designated with low density residential land uses. Hidden Oaks Valley Subdivision is located to the north, Boulder Ridge Fourth to the east, Boulder Ridge Second to the south and Bandel North First to the west. The proposed GDP will continue Bandel Drive N.W. to Overland Drive, proposes two public cul-de-sacs and one private drive. These streets align with existing circulation in the area.

Overland Drive is a proposed street on the City of Rochester's Capital Improvement Plan and is scheduled for construction in 2004. Utilities will be part of the street improvements for Overland Drive N.W. Our proposed site will match the profiles and sections created along the intersection of Bandel Drive N.W. and Overland Drive N.W. We show no direct access along the entire frontage excluding the public street intersection.





7625 METRO BLVD. • SUITE 350 • EDINA, MINNESOTA 55439 • PHONE 952/835-4981 • FAX 952/835-0069 E-mail: arcon@arcondevelopment.com • www.arcondevelopment.com

May 27, 2003

Mitzi Baker, Planner County of Olmsted, Planning Department 2122 Campus Drive S.E. Rochester, MN 55904-4744

RE: Bandel North

Dear Ms. Baker,

Let this letter notify the City of Rochester Planning Department that Arcon Development, Inc. is aware of the proposed addition to the Bandel North development that is adjacent to Arcon Development, Inc.'s Boulder Ridge development; and that a future addition of the Bandel North development will be proposing a fifty (50) foot wide access through a future addition of Boulder Ridge.

Arcon Development, Inc. will be coordinating with the developer of Bandel North to provide the location for the private access.

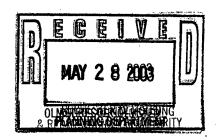
If you have any questions or would like to discuss this further, please contact me at (899) 835-4981.

Sincerely,

Larry D. Frank Project Manager

Cc: Kristi Clark, McGhie & Betts

ary O. Frank





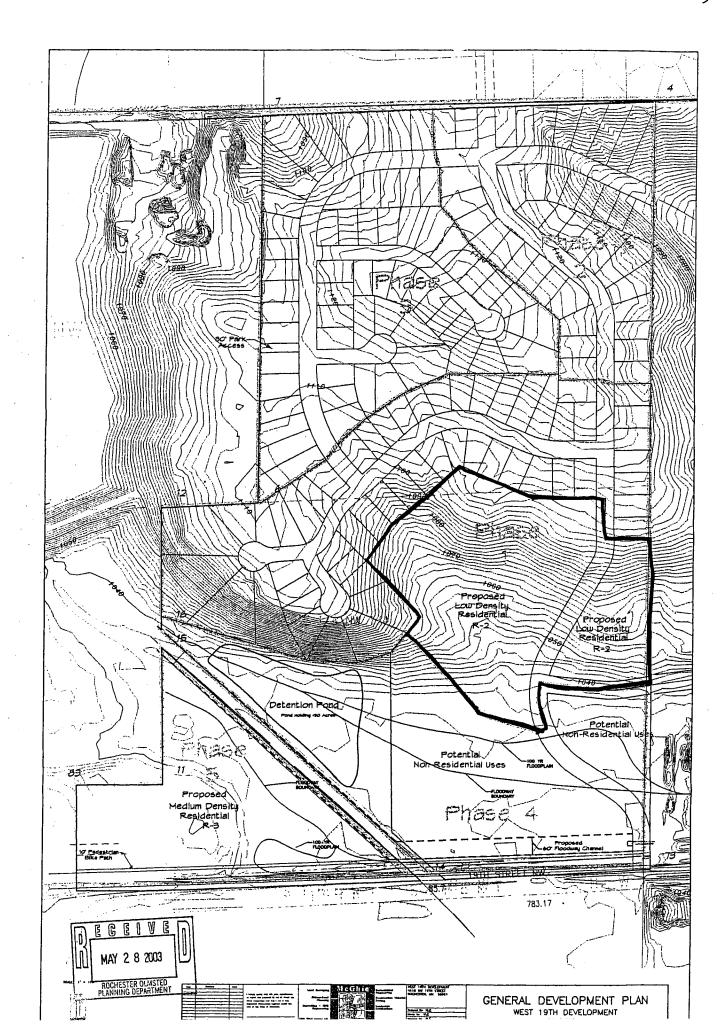
# **REQUEST FOR COUNCIL ACTION**

MEETING

ETING re: 7-21-03

·		<b>DATE:</b> $7-21-03$		
AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	E8		
ITEM DESCRIPTION: Zoning District Amendment #03-12 by West 19 <sup>th</sup> Development. The applicant is proposing to zone approximately 12.93 acres of land to the R-2 (Low Density Residential) zoning district. The property is located east of 60 <sup>th</sup> Avenue NW, north of 19 <sup>th</sup> Street NW and west of Circle 19 Plaza Second Subdivision. A General Development Plan is being considered concurrent with this application.				
July 14, 2003				
City Planning and Zoning Commission Recommen	dation:			
The City Planning and Zoning Commission held a publ	ic hearing on June 25, 2003, to consider this	petition.		
Mr. Haeussinger moved to recommend approval of Zoning District Amendment #03-12 with staff recommended findings. Mr. Quinn Seconded the motion. The motion carried 7-0.				
Planning Staff Recommendation: See attached staff report.				
Council Action Needed:				
The Council should direct the City Attorney to prepare findings of fact reflecting the Councils decision on this zone change.				
If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property.				
<ol> <li>Distribution:         <ol> <li>City Administrator</li> <li>City Attorney: Legal Description attached</li> <li>Planning Department File</li> </ol> </li> <li>McGhie &amp; Betts, Inc.</li> <li>Applicant: This item will be considered sometime after 7:00 p.m. on Monday July 21, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.</li> </ol>				
COUNCIL ACTION:  Motion By: Second	ded By: Act	ion:		





# ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

City Planning and Zoning Commission

FROM:

Mitzi A. Baker, Senior Planner

DATE:

June 19, 2003

RE:

Zoning District Amendment #03-12 by West 19<sup>th</sup> Development. The applicant is proposing to zone approximately 12.93 acres of land to the R-2 (Low Density Residential) zoning district. The property is located east of 60<sup>th</sup> Avenue NW, north of 19<sup>th</sup> Street NW and west of Circle 19 Plaza Second Subdivision. A General Development Plan is being

considered concurrent with this application.

### Planning Department Review:

Applicant/Owner:

West 19<sup>th</sup> Development 4410 NW 19<sup>th</sup> Street Rochester, MN 55901

Consultants:

McGhie & Betts, Inc. 1648 3<sup>rd</sup> Ave. SE Rochester, MN 55904

**Location of Property:** 

This property is located north of 19<sup>th</sup> Street NW, south of Badger Ridge development and west of West Circle Drive. A flood control reservoir is located to the west.

**Requested Action:** 

The applicant requests 12.93 acres of land be rezoned from R-1 to R-2 (Low Density Residential).

**Existing Land Use:** 

The property is undeveloped and is designated for "low density residential" types of uses on the Rochester Urban Service Area Land Use Plan.

**Proposed Land Use:** 

The applicant is proposing to develop this site with low density residential dwellings in the R-2 zoning district. A General Development Plan is being processed concurrent with this application.

Adjacent Land Use and

Zoning:

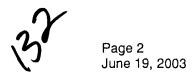
Properties in this area are identified for "Low Density

Residential" uses on the Land Use Plan.

**Transportation Access:** 

General Development Plan application #211 is being processed for this property concurrent with this Zoning District Amendment petition. The GDP identifies a north/south public roadway and a public





road connection to the east that will likely provide access to the areas proposed for R-2 zoning. No access locations were identified on the GDP, however.

Wetlands:

According to the Soil Survey hydric soils exist south of the area proposed for re-zoning, near 19<sup>th</sup> Street

NW.

**Neighborhood Meeting:** 

A neighborhood meeting was held May 19, 2003. A summary of that meeting is enclosed.

Referral Comments:

1. See comments attached to General Development Plan #211, West 19<sup>th</sup> Development.

Report Attachments:

1. Location Map

2. Neighborhood Meeting summary

### Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
  - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan:
  - b) The area was originally zoned erroneously due to a technical or administrative error;
  - c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or
  - d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

Finding for Proposed R-2: The Rochester Urban Service Area Land Use Plan designates this property as appropriate for "low density residential" types of uses. Uses within the R-2 zoning district would be consistent with the current land use designation. Rezoning this property would help further the policies and goals found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, which encourage developing a range of densities and development styles. Re-zoning could also help to further goals and policies found within Chapter 3 of the Housing Plan to increase the supply of housing.

The area is changing in that urban development is occurring to the north and east of this property.

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:
  - a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and
    - <u>Finding for Proposed R-2:</u> Uses allowed within the R-2 zoning district will be appropriate on the property and compatible with adjacent properties. The West 19<sup>th</sup> Development General Development Plan, being considered concurrent with this re-zoning petition, identifies the area proposed for development in the R-2 district, but does not show potential dwelling unit or roadway layout. This site includes moderate and steep slopes, which will impact overall density and design for development. Detailed site plan /zoning review will occur at a future date, following submittal of detailed site plan applications by the applicant. Development plans should be designed to work with the topography.
  - b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).
    - <u>Proposed R-2:</u> The amendment to R-2 would be consistent with the Rochester Urban Service Area Land Use Plan designation for this property as "low density residential", and would not be considered spot zoning.

### Staff Recommendation:

Findings can be made to support this request. Staff recommends approval to zone 12.93 acres R-2 upon annexation to the City of Rochester.



# Minutes of the Neighborhood Informational Meeting for West 19<sup>th</sup> Development On May 19, 2003 at 7:00p.m. at Harriet Bishop Elementary School

It Attendance:

See attached attendance list

Purpose:

The purpose of the meeting was to introduce the proposed General Development Plan and zone change from R-1 to R-2 on 12.93 acres. We also wanted to review the potential land uses of medium density residential, potential non-residential land uses along 19<sup>th</sup> Street N.W., current and future floodway issues and to answer questions and document concerns or issues that may need further investigation or consideration.

General Discussion:

Ms. Clarke, representing McGhie & Betts, Inc and Gary Schueller representing West 19<sup>th</sup> Development LLC were present for the meeting. There were no other citizens in attendance for this neighborhood informational meeting. Therefore, we have no questions to address from the residents at this time.

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# **Attendance Roll**

# NEIGHBORHOOD INFORMATIONAL MEETING

PROJECT:

West 19th Development

Rochester, Minnesota

DATE:

May 27, 2003

TIME:

7:00 p.m.

PLACE:

Harriet Bishop Elementary School

Rochester, Minnesota

NAME	ADDRESS	PHONE NO/ FAX NO./ E-MAIL ADDRESS
1. Can Schueller	4276 4854 NE	287-7715
1. Cary Schueller 2. Lyusto Clarke	1648 Third Au SE Pochester	schueller@desk indiaco 289-3919 Echrilo Winchiz betteun
3.		
4.	W. U.	
5.		
6.		
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# SEE REFERRAL

**COMMENTS** 

ATTACHED TO

**GDP #211** 

City Planning and Zoning Commission Minutes

Hearing Date: June 25, 2003



- 2. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
- 3. The GDP does not show any on-site storm water detention for this development. The GDP narrative indicated that the Owner is requesting to participate in the City's Storm Water Management Plan (SWMP) and pay its applicable Storm Water Management fee, in lieu of providing on-site storm water detention. Point discharge to lands outside the City limits will not be permitted without approval by the abutting Owners, and Township Board.
- 4. Pedestrian facilities are required along the entire frontages of both sides of all new public roadways within this development.
- 5. The proposed public cul-de-sac will not be publicly maintained until a public street connection is made to the south of this Property. Details regarding interim maintenance of the proposed public cul-de-sac will be addressed in the Development Agreement.
- 6. The applicant shall execute an Ownership & Maintenance Agreement with the City for the proposed private road, as well as access rights across the private road for the proposed lots that will be located on the proposed public cul-de-sac.
- 7. Parkland dedication requirements for this development shall be met via cash in lieu of land.

Zoning District Amendment #03-12 by West 19<sup>th</sup> Development. The applicant is proposing to zone approximately 12.93 acres of land to the R-2 (Low Density Residential) zoning district. The property is located east of 60<sup>th</sup> Avenue NW, north of 19<sup>th</sup> Street NW and west of Circle 19 Plaza Second Subdivision. A General Development Plan is being considered concurrent with this application.

AND

General Development Plan #211 by West 19<sup>th</sup> Development to be known as West 19<sup>th</sup> Development. The applicant is proposing to develop approximately 90 acres of land with a variety of land uses consisting primarily of low density residential uses. The plan also identifies potential future medium density and non-residential uses. A Zoning District Amendment is being considered concurrent with this application. The property is located east of 60<sup>th</sup> Avenue NW, north of 19<sup>th</sup> Street NW and west of Circle 19 Plaza Second Subdivision.

Ms. Mitzi A. Baker presented the staff reports, dated June 19, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Ms. Baker stated that the applicant's consultant would need to submit revised plans a minimum of two weeks prior to the City Council meeting. She indicated that there is a disagreement on one condition of the general development plan regarding the 30 foot park access being 150 feet



Page 8

City Planning and Zoning Commission Minutes

Hearing Date: June 25, 2003

wide. She explained that the reason for the widened access is due to a public park being adjacent to it, as well as potential improvements.

Discussion ensued regarding the 150 foot wide park access.

Mr. Burke asked if the applicant would receive park land credits for the area.

Ms. Baker responded yes.

The applicant's representative, Kristi Clarke of McGhie & Betts (1648 Third Avenue SE, Rochester MN), addressed the Commission. She indicated that the R-2 zoning district would serve as a more natural buffer due to the grade. A major issue for the project is the floodway and flood plain. At this point, they have employed Polaris Group to do some hydrological engineering studies for this project. They intend to reduce the floodway to a 60 foot wide channel. If they can come to an agreement with Public Works of what the channel needs to look like, they will pursue a CLOMR then LOMR through FEMA and DNR.

Ms. Clarke stated they are showing 155 single family lots over 90 acres. 75 percent of the lots would be walk-outs. The homes would be larger than the homes in Badger Ridge.

Ms. Clarke stated that she met with Park and Recreation approximately two months ago. At that time, they were told they didn't need additional neighborhood facilities but just an access. She questioned why a 150 foot wide access would be needed rather than the typical 30 foot wide access. The reason for access along frontages in developments at a specific width is that they need to put so many parking stalls along the street. 50 to 60 feet seems more appropriate since it is only for pedestrian traffic. The applicant would rather pay a fee than to give up two lots.

Ms. Rivas asked if Ms. Clarke would agree to reword the first bullet in condition number 1 to state that the applicant and consultant work with Park and Recreation to find some common ground prior to the City Council with regard to the 150 foot wide access.

Ms. Clarke responded yes.

Discussion ensued regarding reasons for the 150 foot wide access to the parkland.

Ms. Baker stated that the issue could be resolved prior to the City Council. She stated that, if it was not, she could ask that Denny Stotz be present at the City Council meeting to respond to questions.

Ms. Clarke stated that the applicant agreed with all the other staff-recommended conditions.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Petersson moved to recommend approval of Zoning District Amendment #03-12 by West 19<sup>th</sup> Development based on the staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 7-0.

Ms. Petersson moved to recommend approval of General Development Plan #211 by West 19<sup>th</sup> Development to be known as West 19<sup>th</sup> Development based on the staff-

recommended findings and conditions, with the clarification that the applicant work out the 150 foot suggested access by Park and Recreation Department prior to being heard by the City Council. Ms. Rivas seconded the motion. The motion carried 7-0.

## **CONDITIONS:**

- 1. The GDP shall be revised to accommodate the following:
  - The GDP will need to be amended to provide a minimum 150' wide access to the reservoir site, at the west property boundary;
  - Mid-block connections will be required consistent with the Rochester Zoning Ordinance and Land Development Manual regulations;
  - Label "Proposed Medium Density Residential R-3" as "Potential Future Medium Density Residential R-3"; Label "Proposed 60' Floodway Channel" as "Potential Future 60' Floodway Channel";
  - Identify an alternate pond site outside of the existing Floodway, in case the Floodway boundary is not amended;
  - Show a minimum 60' wide right-of-way for 19<sup>th</sup> St. NW;
  - Identify proposed access locations to serve the "Potential Future Medium Density Residential" area and proposed R-2 areas.
- 2. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to; substandard street reconstruction charges and Transportation Improvement District charges, transportation improvements including turn lanes and access control, stormwater management, park dedication, pedestrian facilities, right-of-way dedication, dedication of controlled access, access and extension of utilities, phasing of development and contributions for public infrastructure.
- 3. Pedestrian facilities will be required on both sides of all new public roadways and along the entire frontage of 19<sup>th</sup> St. NW.
- 4. At the time of platting: a minimum 60' wide right-of-way dedication will be required for 19<sup>th</sup> St. NW; controlled access will be required for the entire frontage of 19<sup>th</sup> St. NW with the exception of any approved roadway access openings; traffic claming measures shall be incorporated into the north/south public roadway along the eastern edge of the property if determined necessary by the City.
- 5. Parkland dedication shall be met via a combination of land and cash in lieu of as specified in the June 3, 2003 memorandum from Rochester Park and Recreation. This dedication shall include a 150' wide park access to the reservoir site to the west.
- 6. Future development of the portion of the property in the existing Floodway is contingent upon the applicant successfully amending the Floodway boundary in the future.

Zoning District Amendment #03-11 by Big De Development. The applicant is proposing to zone approximately 2.53 acres of land to the R-2 (Low Density Residential) zoning district. The property is located east of the Bandel North First Subdivision and north of the Boulder Ridge Second Subdivision and south of the future alignment of Overland



#### REQUEST FOR COUNCIL ACTION

MEETING

			<b>DATE</b> : <u>7-21-03</u>			
A	GENDA SECTION:	ORIGINATING DEPT:	ITEM NO.			
	PUBLIC HEARINGS	PLANNING	E-9			
IT	EM DESCRIPTION: General Development Plan #211 b	y West 19 <sup>th</sup> Development to be	PREPARED BY:			
	known as West 19 <sup>th</sup> Development. The property is local	ated east of 60 <sup>th</sup> Avenue NW,	Mitzi A. Baker,			
	north of 19th Street NW and west of Circle 19 Plaza Sec	cond Subdivision.	Senior Planner			
	NOTE: See CPZC minutes	from previous				
Jul	July 14, 2003 NOTE: See CPZC minutes from previous  Bone change hearing					
A rec	A revised Plan was submitted following the Planning Commission meeting, to address staff recommended modifications. Staff recommends modifications to the conditions, as shown in strikethrough (to delete) and underlined (new) text.					
	y Planning and Zoning Commission Recommendation:					
The Planning and Zoning Commission held a public hearing on this item on June 25, 2003. Ms. Petersson moved to recommend approval of General Development Plan #211 with the staff-recommended findings and conditions, with the clarification that the applicant work out the 150 foot suggested access by Park and Recreation Department to being heard by City Council. Ms. Rivas seconded the motion. The motion carried 7-0. The commission recommended the following conditions/modifications:						
1.	The GDP shall be revised to accommodate the following.  The GDP will need to be amended to provide a minimum 18		west property boundary:			
	<ul> <li>Mid-block connections will be required consistent with regulations;</li> </ul>					
i i	<ul> <li>Label "Proposed Medium Density Residential R-3" as "Potential Future Medium Density Residential R-3"; Label "Proposed 60 Floodway Channel";</li> </ul>					
	<ul> <li>Identify an alternate pond site outside of the existing Floody</li> </ul>	way, in case the Floodway boundary is not	<del>-amended;</del>			
	Show a minimum 60' wide right-of-way for 19th St. NW;					
	<ul> <li>Identify proposed access locations to serve the "Potential F</li> </ul>	<del>Euture Medium Density Residential" area a</del>	nd proposed R-2-areas.			
2.	Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to; substandard street reconstruction charges and Transportation Improvement District charges, transportation improvements including turn lanes and access control, stormwater management, park dedication, pedestrian facilities, right-of-way dedication, dedication of controlled access, access and extension of utilities, phasing of development and contributions for public infrastructure.					
<i>3</i> .	Pedestrian facilities will be required on both sides of a 19 <sup>th</sup> St. NW.	ill new public roadways and along th	ne entire frontage of			
4.	At the time of platting: a minimum 60' wide right-of-way dedication will be required for 19 <sup>th</sup> St. NW; controlled access will be required for the entire frontage of 19 <sup>th</sup> St. NW with the exception of any approved roadway access openings; traffic claming measures shall be incorporated into the north/south public roadway along the eastern edge of the property if determined necessary by the City.					
<i>5</i> .	Parkland dedication shall be met via a combination of memorandum from Rochester Park and Recreation. The reservoir site to the west.	land and cash in lieu of as specified his dedication shall include a 150' w	in the June 3, 2003 ide park access to the			
6.	Future development of the portion of the property in the existing Floodway is contingent upon the applicant successfully amending the Floodway boundary in the future.					
7.	Watermain interconnection, extension, looping and de-	<u>sign must be provided as requi</u> red b	y RPU Water Division.			
	UNCIL ACTION: Motion by: Sec					



#### Council Action Needed:

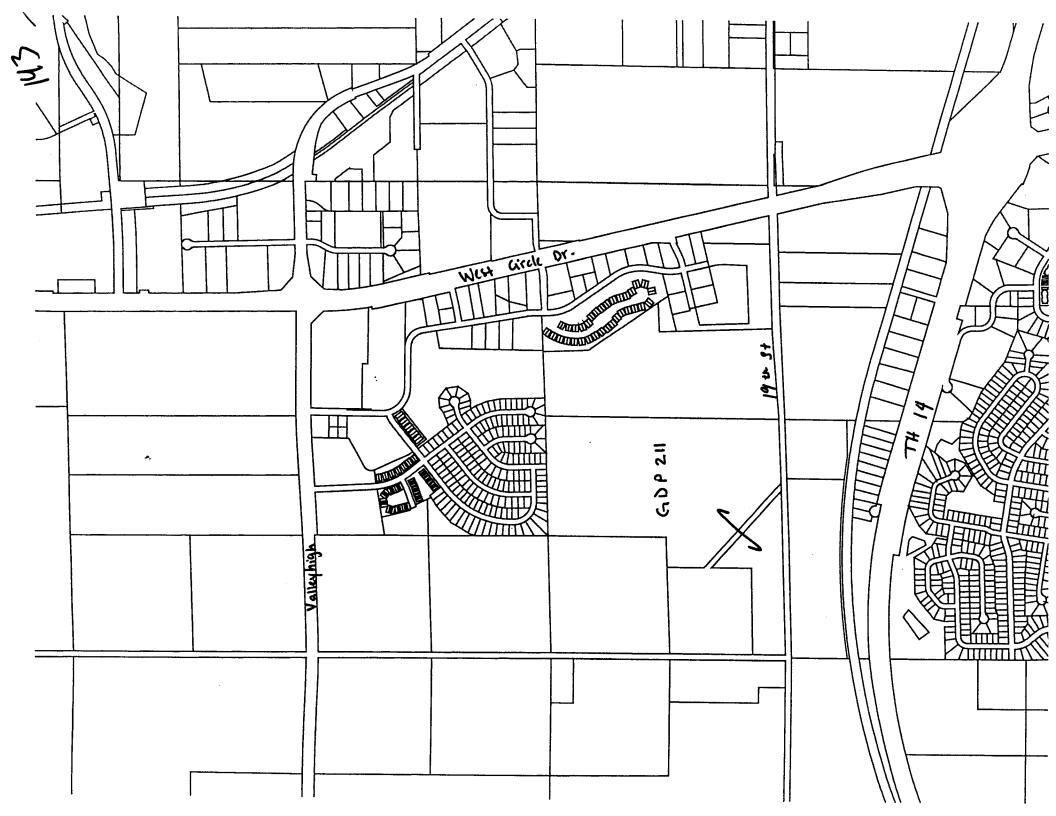
1. If the Council wishes to approve the General Development Plan it should instruct the City Attorney to prepare a resolution, with findings, for Council approval.

#### **Distribution:**

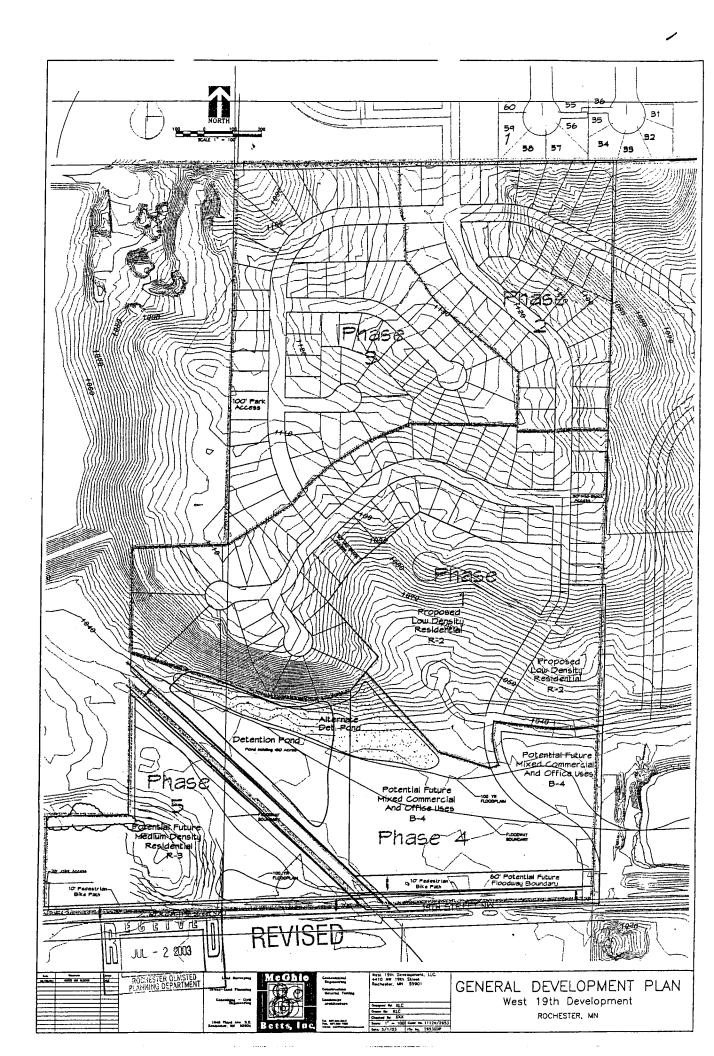
- 1. City Administrator
- 2. City Attorney
- 3. Planning Department File
- 4. McGhie & Betts, Inc.
- 5. Applicant: This item will be considered some time after 7:00 p.m. on Monday July 21, 2003 in the Council / Board Chambers in the Government Center at 151 4th Street SE.

Additional condition received from Planning via fax on 7-21-03:

Access to the stormwater detention pond and/or alternate pond location shall be accommodated within this development and resolved to meet City requirements prior to Final Plat submittal.











## ROCHESTER PARK AND RECREATION DEPARTMENT

July 7, 2003

TO:

Jennifer Garness

Planning

RE:

West 19th Development \*\*REVISED\*\*

GDP # 211

Parkland dedication for the development should be in the form of a combination of land dedication and cash in lieu of land.

Neighborhood park needs for the development can be met on proposed parks planned in the Hartman Farms Subdivision to the east of the West 19<sup>th</sup> Subdivision and on the 100 acre reservoir site located west of the subdivision.

The revised park access (100') shown on the west side of the development is acceptable to the Park Department. Parkland dedication credits should be extended to the developer for the dedication of the access.



#### ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

www.olmstedcounty.com/planning



TO:

**City Planning and Zoning Commission** 

FROM: Mitzi A. Baker, Senior Planner

DATE:

June 19, 2003

RE:

General Development Plan #211 by West 19th Development to be known as West 19<sup>th</sup> Development. The applicant is proposing to develop approximately 90 acres of land with a variety of land uses consisting primarily of low density residential uses. The plan also identifies potential future medium density and non-residential uses. A Zoning District Amendment is being considered concurrent with this application. The property is located east of 60<sup>th</sup> Avenue NW, north of 19<sup>th</sup> Street NW and west of Circle 19 Plaza Second Subdivision.

#### Planning Department Review:

Applicant/Owner:

West 19<sup>th</sup> Development 4410 NW 19th Street

Rochester, MN 55901

Consultants:

McGhie & Betts, Inc. 1648 3<sup>rd</sup> Ave. SE Rochester, MN 55904

Size and

Location:

This property is located north of 19th Street NW, south of Badger Ridge development and west of West Circle Drive. A flood control reservoir is

located to the west.

**Existing Land** 

Use:

The property is currently undeveloped and designated for "low density residential" types of uses on the Rochester Urban Service Area Land

Use Plan. A portion of this property is also designated "flood prone",

along 19th St. NW.

Proposed Use:

The site includes approximately 90 acres of land, of which approximately 60 is in the process of being annexed. The applicant requests 12.93 acres of land be re-zoned from R-1 to R-2 (Low Density Residential). The remainder of the property, in the City, will be zoned R-1. The GDP identifies an intent to file a future re-zoning petition, to the R-3 district, for a portion of the property lying along 19<sup>th</sup> St. NW. The southeast portion of the site, along 19th St., is labeled potential non-residential uses.



Page 2 General Development Plan June 19, 2003 147

Land Use Plan:

The property is designated for "low density residential" types of uses on the Rochester Urban Service Area Land Use Plan. A portion of the property is also designated "flood prone".

Zoning:

The applicant requests 12.93 acres of land be re-zoned from R-1 to R-2 (Low Density Residential). The remainder of the site is zoned R-1. The GDP identifies an intent to file a future re-zoning petition, to the R-3 district, for a portion of the property lying along 19<sup>th</sup> St. NW.

Approximately 59.92 acres of this site is in the process of being annexed. The portion identified for R-3 uses, is not yet in the City of Rochester.

Streets:

This Plan proposes identifies public roadways. The areas proposed for development in the R-2 district may also include private roads, which are not identified on the Plan. Access locations for any private roads will need to meet access spacing standards.

Traffic calming measures may be required along the north/south roadway which extends from the north to south property lines, and into the Badger Ridge development.

Sidewalks:

Pedestrian facilities will be required on both sides of all new public roadways and along the entire frontage of 19<sup>th</sup> St. NW.

Drainage:

The high spot on this property is in the north central part of the development. The property breaks from there to the northwest, east and south, with most of the site draining in the southerly direction. A future detention pond is identified in the southern ¼ of the property. Much of the pond is in an area currently designated as Floodway. The applicant has expressed interest in coordinating with the City to amend the 100-Year Floodplain and Floodway boundaries in this area. The future pond location and future development of lands currently located in the Floodway will depend on future action to modify the Flood District boundaries through this GDP site.

Detailed grading and drainage plans will be required when the property is platted or developed.

Wetlands:

Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information to the Local Governing Unit. The hydric soils are located in a narrow band along the north side of 19<sup>th</sup> St. NW.

**Public Utilities:** 

Sanitary Sewer and municipal Water are not currently available to serve the property, but can be extended to provide service from the east and south. Extension of these facilities from the east would require crossing lands not annexed into the City of Rochester at this time. The adjacent lands will either need to be annexed in order for the City to issue permits for construction of public infrastructure, or the applicant or adjacent property owner will need to secure permission from both the City of Rochester and Cascade Township.

Parkland

Parkland dedication requirements for this development should be



Page 3 General Development Plan June 19, 2003

Dedication:

satisfied via a combination of land and cash in lieu of land.

Report

1. Proposed General Development Plan & Narrative

Attachments:

2. Referral Comments

#### Staff Suggested Findings and Recommendation:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the criteria for approval of a general development plan. Staff suggested findings are in **bold italics** print.

Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

The Rochester Urban Service Area Land Use Plan identifies this property for "low density residential "uses. This GDP proposes a low density residential development. A petition to re-zone 12.93 acres of the site to the R-2 (Low Density Residential) district is being considered concurrently.

Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

Proposed lot sized, and density appear generally consistent with the land use designation and should be compatible with existing and future use of adjacent lands. The area labeled as Proposed Medium Density Residential/R-3 should reflect that this is a potential future land use. The applicant has not petitioned to amend the Land Use Plan or re-zone that part of the property at this time. Additionally, the area labeled as Potential Non-Residential Uses will require further review in the future.

Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

This development proposes low density residential development in the R-1 and R-2 zoning districts. The combination of the two districts will provide opportunity for mixing housing styles and price ranges within the Development.

The Low Density residential land uses proposed on the property would be consistent with the current land use designation. The mix of housing would help further the policies and goals found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, which encourage developing a range of densities and development styles. This development could also help to further goals and policies found within Chapter 3 of the Housing Plan to increase the supply of housing.

Page 4 General Development Plan June 19, 2003



Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses

The Thoroughfare Plan identifies 19<sup>th</sup> St., west of West Circle Drive, as an upgrade Arterial. Additional right-of-way will need to be dedicated to accommodate the ultimate right-of-way needs for this roadway. The Capital Improvements Program for 2003-2008 identifies widening of 19<sup>th</sup> St. NW from CSAH 22 to 50<sup>th</sup> Ave. NW as being funded in 2004 and 2007 from Transportation Improvement District (TID) charges from the NW TID. This property will be subject to TID and/or Substandard Street charges.

shown in the adopted Land Use Plan for the subject and adjacent properties.

Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

 Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

The Thoroughfare Plan identifies 19<sup>th</sup> St., west of West Circle Drive, as an upgrade Arterial. A minimum 60' wide right-of-way will need to be dedicated to accommodate the ultimate right-of-way needs for this roadway. The Capital Improvements Program for 2003-2008 identifies widening of 19<sup>th</sup> St. NW from CSAH 22 to 50<sup>th</sup> Ave. NW as being funded in 2004 and 2007 from Transportation Improvement District charges from the NW TID. This property will need to contribute to these future improvements.

This development will need to be phased to provide concurrency with public facility/infrastructure improvements. Phasing will also need to include limiting the number of trips generated within areas limited to one access, as required by the Rochester Zoning Ordinance and Land Development Manual. It appears that initial development of this property will require construction of access through the property to the east. Development to the north appears to developed such that additional dwelling units could not be constructed to take sole access through the Badger Ridge development.

This Plan identifies public roadways. The areas proposed for development in the R-2 district may also include private roads,



Page 5 General Development Plan June 19, 2003

which are not identified on the Plan. Access locations for any private roads will need to meet access spacing standards.

Traffic calming measures may be required along the north/south roadway which extends from the north to south property lines, and into the Badger Ridge development.

The Plan does accommodated extensions of roadways identified in the adjacent GDP's (Badger Ridge to the north, Hartman Farms to the east).

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

Sanitary Sewer and municipal Water are not currently available to serve the property can be extended to provide service from the east and south. Extension of these facilities from the east would require crossing lands not annexed into the City of Rochester at this time. The adjacent lands will either need to be annexed in order for the City to issue permits for construction of public infrastructure, or the applicant or adjacent property owner will need to secure permission from both the City of Rochester and Cascade Township.

Three water mains must be interconnected with the development of this property, as specified in the June 4, 2003 memorandum from RPU Water and builders will be required to install pressure-reducing devices in higher-pressure areas as required by the MN Plumbing Code.

The high spot on this property is in the north central part of the development. The property breaks from there to the northwest, east and south, with most of the site draining in the southerly direction. A future detention pond is identified in the southern ¼ of the property. Much of the pond s in an area currently designated as Floodway. The applicant has expressed interest in coordinating with the City to amend the 100-Year Floodplain and Floodway boundaries in this area. The future pond location and future development of lands currently located in the Floodway will depend on future action to modify the Flood District boundaries through this GDP site.

Detailed grading and drainage plans will be required when the property is platted or developed.



 The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

Pedestrian facilities will be required on both sides of all new public roadways and along the entire frontage of 19<sup>th</sup> St. NW.

Parkland dedication for this development will need to be met via a combination of land and cash in lieu of land. The GDP will need to be amended to provide a minimum 150' wide access to the reservoir site, at the west property boundary. Mid-block connections will be required consistent with the Rochester Zoning Ordinance and Land Development Manual regulations.

Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

The high spot on this property is in the north central part of the development. The property breaks from there to the northwest, east and south, with most of the site draining in the southerly direction. A future detention pond is identified in the southern ¼ of the property. Much of the pond is in an area currently designated as Floodway. The applicant has expressed interest in coordinating with the City to amend the 100-Year Floodplain and Floodway boundaries in this area. The future pond location and future development of lands currently located in the Floodway will depend on future action to modify the Flood District boundaries through this GDP site.

Detailed grading and drainage plans will be required when the property is platted or developed.

Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

The Rochester Urban Service Area Land Use Plan identifies this property for "low density residential "uses. This GDP proposes a low density residential development. A petition to re-zone 12.93 acres of the site to the R-2 (Low Density Residential) district is being considered concurrently.

Pedestrian facilities will be required on both sides of all new public roadways and along the entire frontage of 19<sup>th</sup> St. NW.

Parkland dedication for this development will need to be met via a combination of land and cash in lieu of land. The GDP will need to be amended to provide a minimum 150' wide access to the reservoir site, at the west property boundary. Mid-block connections will be required consistent with the Rochester Zoning Ordinance and Land Development Manual regulations.



Phasing of this development will be required to provide concurrency with public facilities. Additionally, potential development of areas currently designated Floodway is contingent upon successfully amending these boundaries in the future, as proposed by the applicant. Land uses in these areas will need to be evaluated further in the future.

#### Recommendation:

The Plan needs to be revised as identified in staff recommended condition #1. These revisions should be submitted no less than two weeks prior to the City Council meeting at which the application would be considered. If the applicant agrees to submit these revisions within that time frame, staff would support forwarding this application to the City Council subject to the following conditions and/or modifications:

- 1. The GDP shall be revised to accommodate the following:
  - The GDP will need to be amended to provide a minimum 150' wide access to the reservoir site, at the west property boundary;
  - Mid-block connections will be required consistent with the Rochester Zoning Ordinance and Land Development Manual regulations;
  - Label "Proposed Medium Density Residential R-3" as "Potential Future Medium Density Residential R-3"; Label "Proposed 60' Floodway Channel" as "Potential Future 60' Floodway Channel";
  - Identify an alternate pond site outside of the existing Floodway, in case the Floodway boundary is not amended;
  - Show a minimum 60' wide right-of-way for 19<sup>th</sup> St. NW;
  - Identify proposed access locations to serve the "Potential Future Medium Density Residential" area and proposed R-2 areas.
- 2. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to; substandard street reconstruction charges and Transportation Improvement District charges, transportation improvements including turn lanes and access control, stormwater management, park dedication, pedestrian facilities, right-of-way dedication, dedication of controlled access, access and extension of utilities, phasing of development and contributions for public infrastructure.
- 3. Pedestrian facilities will be required on both sides of all new public roadways and along the entire frontage of 19<sup>th</sup> St. NW.
- 4. At the time of platting: a minimum 60' wide right-of-way dedication will be required for 19<sup>th</sup> St. NW; controlled access will be required for the entire frontage of 19<sup>th</sup> St. NW with the exception of any approved roadway access openings; traffic claming measures shall be incorporated into the north/south public roadway along the eastern edge of the property if determined necessary by the City.
- 5. Parkland dedication shall be met via a combination of land and cash in lieu of as specified in the June 3, 2003 memorandum from Rochester Park and Recreation. This dedication shall include a 150' wide park access to the reservoir site to the west.
- 6. Future development of the portion of the property in the existing Floodway is contingent upon the applicant successfully amending the Floodway boundary in the future.

# PROPOSED GDP & NARRATIVE REPORT



#### West 19th Development

#### GENERAL DEVELOPMENT PLAN

The West 19<sup>th</sup> General Development Plan is approximately 90 acres and is bounded by Hartman Farm subdivision to the east, unplatted farmland to the west and south and the Badger Ridge Subdivision to the north.

The following is a written summary of the General Development Plan (GDP) in accordance with Appendix B E-3.

a) Topographic or soils conditions which, in the estimation of the applicant, may create potential problems in street, drainage, public utilities or building design and construction, and how these problems will be investigated further or engineered to overcome the limitations.

The soils on the SITE consist of mostly of Port Byron soils (285B&285C), Timula soils (322C and 322D): and to a lesser extent Lindstrom soils (301B), Marlean soils (251F), Radford soils 289A and Doerton soils (473D). These soils, with the exception of the Marlean and Radford soils have formed a deep silty loess material that is mostly well drained. They are moderately permeable and are in hydrologic grouping B. Soils formed in this material erode easily when intensely used for row type crops especially on the parts with slopes greater than 6 percent. The Doerton and Marlean soils are on very steep slopes and where depth to bedrock is shallow. The Radford soils are on the flood plains below the dam structure on an adjoining site.

b) Storm drainage problems, which in the estimation of the applicant, may result in costs that will exceed normal storm drainage costs.

The storm drainage does not appear to cause problems that will result in the increase of normal storm drainage costs.

A storm pond is planned along the southern edge of the site, which will accommodate the proposed increase of storm water runoff from the proposed project area. The area included in the proposed storm ponds will include all of the single-family residential lots excluding the rear yards of several lots on the eastern edge of the project which will drain eastward towards the Hartman Farm Property, all of the low density R-2 residential development, and approximately 12.49 acres of mixed commercial/office use. The property to the west of the drainageway will drain directly into the 60' proposed stormwater easement or into the 19<sup>th</sup> Street N.W. stormwater facilities.

A Flood Control Reservoir with a Class I dam is located directly to the west of the project boundary. Please refer to the attached study completed by Art Kalmes of Polaris Group for

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more specific findings about this facility and the 60' Flood Channel Design located on the General Development Plan.

c) Identification of potential off-site drainage problems.

The surface drainage from the property drains from the center of the property to the northeast and to the southwest. The GDP has indicated one storm water pond that is intended to capture the run-off from most of the site. The lots naturally draining to away from the proposed pond will capture the runoff within the public streets and carry them to the pond. A few of the most eastern single family lots will drain towards the proposed Hartman Farm Subdivision and will be collected in the existing storm pond located within that subdivision. The property located to the west of the proposed drainageway will drain into the 60' channel or into the 19th Street N.W. stormwater management facility.

There should be no problems with off-site drainage created by this development.

d) Availability of utilities to serve the area under consideration.

This area is within the Northwest High Level Water System Area, which is currently available approximately 1000' to the east. Sanitary sewer is stubbed out from the existing Heartland Dr. N.W. and will be extended through the Hartman Farm Subdivision approximately 1000' westward to the proposed site. These utilities will be able to provide adequate services for the General Development Plan area.

e) Identification of possible erosion problems, which may arise in the estimation of the applicant.

There are several areas within the GDP boundary with steep slopes. Forty percent slopes are located just south of the two proposed cul-de-sacs in Phase I. These slopes are wooded with trees and brush at this time. The single-family lots proposed for this area will be sited within the plateau and will disturb as little natural vegetation and existing grades as possible.

The proposed low-density residential portion of the site has grades from 8 to 20% slopes. This area will develop residential units that can work with the slopes in creating less grading disturbances while using the steeper slopes as open space.

The single-family lots located in the northeastern corner of Phase 2 have 20 to 28% slopes. The grading for these lots will have to be altered to accommodate the public street connection from the Hartman Farm Property. Once the street grades for this area are designed the building sites for the adjacent lots can be designed. Some substantial land alterations may be necessary for this public street connection. This issue will be resolved during the preliminary platting process.



f) A general statement as to the possible phasing of any development activity to occur on the property under the control of the applicant.

There are five phases in this General Development Plan. The first phase will occur in the center of the property including 12.93 acres of low-density residential uses and approximately 54 single-family lots. The second phase will occur along the northeastern boundary of the site including approximately 41 single-family lots. Phase Three will occur in the northwestern portion of the GDP and include approximately 60 single-family lots. Phase Four will occur along the southern boundary of the GDP and includes approximately 12.49 acres of mixed commercial/office use. Phase five will occur in the southwestern portion of the site along 19<sup>th</sup> Street N.W. This area proposes to develop approximately 10.64 acres of medium density residential. A Land Use Plan Amendment and Zone Change from R-1 to R-3 will be applied for when this portion of the GDP is annexed into the City of Rochester.





### POLARIS\*GROUP

8200 HUMBOLDT AVENUE SOUTH . SUITE 302 . BLOOMINGTON, MN 55431 . 952.881.0878 . FAX: 952.881.0023

REC'D JUN 2 2003

May 28, 2003

Ms. Kristi Clarke McGhie and Betts, Inc. 1648 Third Ave. S. E. Rochester, MN 55904

RE: Review of Hydraulic Issues, West 19th Street General Development Plan

Dear Ms. Clarke:

This letter summarizes our review of floodplain and hydrologic issues related to the General Development Plan (GDP) for the West 19<sup>th</sup> Development in the northwest part of Rochester. The purpose of our review was to identify floodplain development alternatives and to design a channel to convey flood flows through the development. The proposed channel design provides reasonable protection for the development in the event of a breach of the upstream flood control structure.

#### Background

The proposed development is located north of 19th Street and along the North Run of the North Fork (NRNF) of Cascade Creek. A flood control reservoir, KR6, is located upstream of the proposed development. Since its construction in 1994, this reservoir has seldom impounded water. This reservoir reduces the peak 100-year flood discharge from 1,280 cfs to 90 cfs.

The West 19<sup>th</sup> Development is west and immediately upstream of the Circle 19 Plaza Development. The floodway and floodplain at the Circle 19 Plaza Development were revised by a Conditional Letter of Map Revision (CLOMR) during 2000. This CLOMR modified the flood discharges for this reach and reduced the floodway to the width of the channel that was constructed along the north side of 19<sup>th</sup> Street.

As part of the Circle 19 Plaza Development, an area was mined and a pond was created just east of the proposed West 19<sup>th</sup> Development. This pond is called the Hartman Pond and is shown on Figure 1. An outlet for the Hartman Pond has been designed to impound water and control the discharge in the NRNF. The CLOMR considered the effect of the flood storage provided by the Hartman Pond. The excavation of the Hartman pond allows a lower channel to be constructed within the West 19<sup>th</sup> Development. This lower channel allows the floodplain and floodway to be reduced.



Ms. Kristi Clarke May 28, 2003 Page 2

#### Flood Channel Design

The existing floodway of the NRNF at the West 19<sup>th</sup> Development is between 200 and 400 feet wide and is shown in Figure 1. The average flow depth is 1.7 feet for the peak 100-year discharge published in the Flood Insurance Study (FEMA, 1998) and less than 0.5 feet for the peak discharge established by the recent CLOMR for this reach. The existing floodway matches the floodway prior to the construction of reservoir KR6. It is our understanding that the regulatory floodway was not changed after the reservoir's construction in order to preserve an area as a measure of safety in the event of a catastrophic breach of the reservoir. Therefore, the existing floodway was based on the peak 100-year discharge rate prior to construction of reservoir KR6 (1,280 cfs).

The National Resource Conservation Service (NRCS) performed dam break modeling as part of the design and permitting of Reservoir KR6. This analysis assumed that the dam failure would occur when the level of the reservoir was in excess of the reservoir level produced by the 500-year flood, the peak breach flow would occur 0.6 hours after the failure began, and the failure would result in the release of all of the impounded water. The dam break model calculated a peak breach discharge rate of 6,726 cfs.

It is our understanding that the City of Rochester is in the process of adopting a policy that requires structures located within a potential dam breach inundation area to be elevated so as to not be inundated during the emergency spillway hydrograph outflow from the reservoir. The emergency spillway hydrograph flow for reservoir KR6 is 656 cfs.

The proposed floodway channel within the West 19<sup>th</sup> Development is approximately 60 feet wide and is shown in Figure 1. Figure 2 shows a cross-sectional sketch of the proposed flood control channel and floodway modification. The channel construction would involve both excavation and fill placement. Fill placement adjacent to the channel would elevate the adjacent building pads.

The access road to the site would require a 10' x 5' box culvert. The proposed channel and box culvert were designed using the HEC-2 model for this reach and were designed to pass the design flow without overtopping of 19th Street NW. A FEMA floodplain map revision will be necessary to revise the proposed floodway and allow fill placement.

The floodway channel was designed to have a capacity of at least 656 cfs which is the capacity required by local policy. This channel also provides reasonable protection to the West 19<sup>th</sup> Development in the event of a dam failure. Our modeling of the channel indicates that buildings within the West 19<sup>th</sup> Development will not be inundated if a dam breach flow of 3,500 cfs occurs. The channel provides a reasonable level of design for this development for the following reasons:

Ms. Kristi Clarke May 28, 2003 Page 3

- This discharge is over 30 times greater than the current regulatory discharge established by the 2000 CLOMR for this reach and several times greater than the design capacity of the downstream channel.
- Prior to construction of Reservoir KR6, this proposed channel and floodway modification could have been implemented. If a larger channel is necessary because of the reservoir, the developer would have been better off without its construction and the risk associated with it.
- The emergency spillway for the structure discharges southwest of the structure and flows toward 19<sup>th</sup> Street and the South Run of the North Fork of Cascade Creek. Most of the discharge from the spillway during the emergency spillway hydrograph flow will flow to the South Run.
- The dam appears to be designed to safely pass the probable maximum flood (PMF) which meets State Dam Safety requirements for a Class I dam. The structure will also contain the 500-year flood without discharge in the emergency spillway.
- A flood control channel designed to pass the peak dam breach flow of 6,728 cfs would not be feasible. This discharge corresponds to a reservoir level in excess of the 500-year flood and represents an extreme level of design that is not required at other locations in the City.
- It is proposed to elevate structures within the development a minimum of 1 foot above 19<sup>th</sup> Street. This provides additional protection from flooding because 19<sup>th</sup> street will act as an overflow in the event of a dam breach.

Results of our modeling and analysis can be provided if necessary. Please contact me at (952) 881-0619 if you have any questions regarding this review.

Sincerely,

Art Kalmes, P.E.

Art Kalmer (TRJ)



# Table 1 Flood Discharge Information for West 19th Development Rochester, MN

Scenario	Peak Discharge Rate (cfs)
Current FEMA 100-year discharge (reflects Hartman CLOMR and is actual 100-year peak discharge from KR6)	90
100-year discharge in 1998 Flood Insurance Study (FIS)	320
100-year discharge prior to KR6 Reservoir	1,280
Local design capacity (informal policy of City - equal to emergency spillway hydrograph flow)	656
Approximate flood protection capacity of proposed channel	3,500

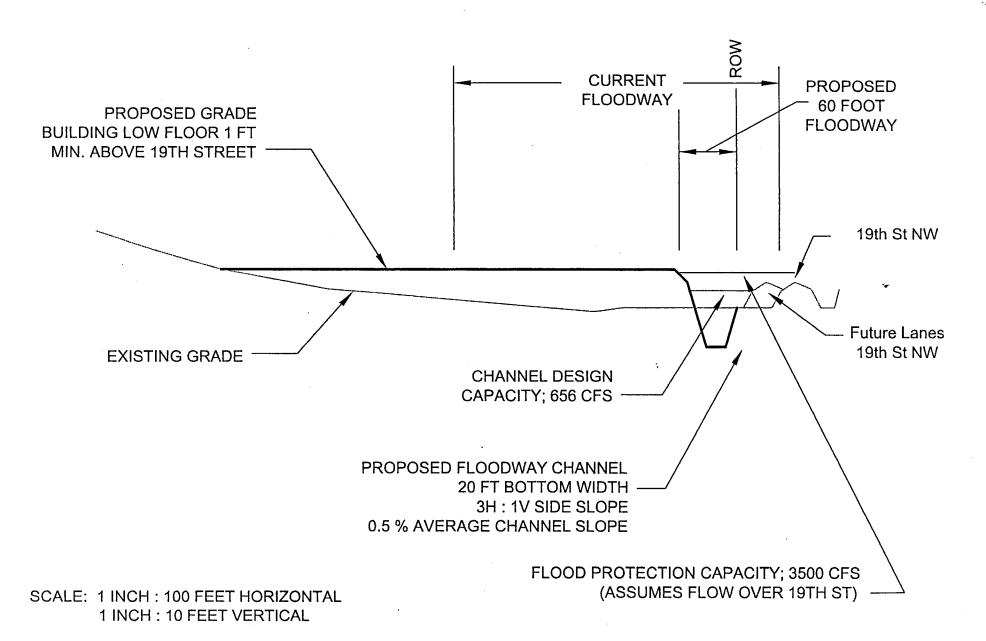
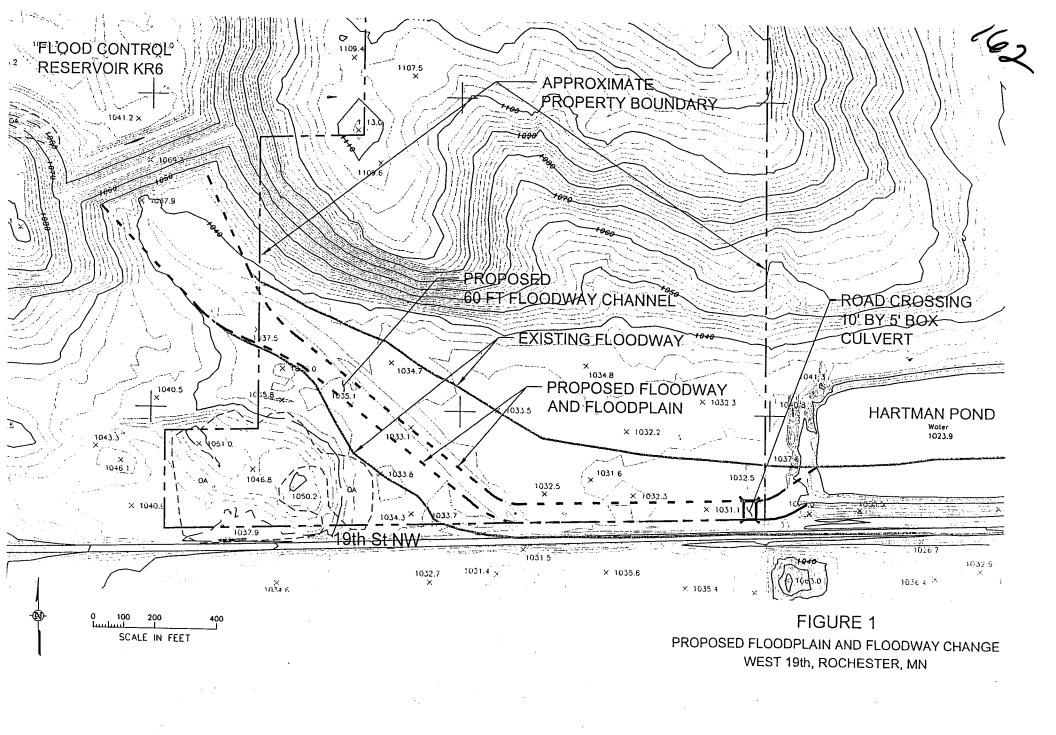


FIGURE 2
PROPOSED CHANNEL
WEST 19TH STREET, ROCHESTER, MN



# REFERRAL

# **COMMENTS**





## ROCHESTER PARK AND RECREATION DEPARTMENT

June 3, 2003

TO:

Jennifer Garness

Planning

RE:

West 19<sup>th</sup> Development

GDP # 211

Parkland dedication for the development should be in the form of a combination of land dedication and cash in lieu of land.

Neighborhood park needs for the development can be met on proposed parks planned in the Hartman Farms Subdivision to the east of the West 19<sup>th</sup> Subdivision and on the 100 acre reservoir site located west of the subdivision.

The 30' park access shown on the west side of the development should be increased to 150' in width. This access will the sole access from West 19<sup>th</sup> development to the 100 acre public property reservoir site. The reservoir site has areas outside of the flood storage area that will likely be developed to include trails, playground areas and athletic fields. A 30' access between two homes leading to this potential recreational area is inadequate. Parkland dedication credits should be extended to the developer for the dedication of the access.

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## ROCHESTER

#### - Minnesota

TO: Consolidated Planning Department

2122 Campus Drive SE Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4<sup>th</sup> Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 6/13/03

The Department of Public Works has reviewed the application for <u>General Development Plan #211</u>, for the proposed <u>West 19<sup>th</sup> Development property</u>. The following are Public Works comments on this proposal:

- 1. Sanitary Sewer & Municipal Water are not currently available to serve the Property but can be extended to provide service from the east and south.
- 2. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, right-of-way dedication, transportation improvements including turn-lanes, access control, pedestrian facilities, extension of utilities, phasing of development, and contributions for public infrastructure.
- 3. Grading & Drainage Plan approval will be required prior to Final Plat submittal for each phase of development. The GDP Plan indicates modifications to / channelization of the Floodway to accommodate development in Phase 4. The applicant should be required to provide detailed information to the City Engineer regarding its intentions for filling within the existing floodway, and the design and capacity of the proposed floodway channel. The issue regarding whether or not modifications to the existing floodway will be permitted should be addressed prior to GDP approval. If the floodway and/or flood plain are modified, the applicant should be required to dedicate a drainage easement over the entire revised floodplain area.
- 4. Stormwater Management must be provided, and a Storm Water Management fee will be applicable to any areas of the Property that are permitted to participate in the City's Storm Water Management Plan (SWMP), in lieu of providing on-site stormwater detention.
- 5. Dedication of controlled access will be required along the entire 19<sup>th</sup> St NW frontage, with the exception of the public street access location approved for the GDP.
- 6. Traffic calming measures may be required for the proposed north / south public road along the easterly edge of the Property



## ROCHESTER

#### — Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4<sup>th</sup> Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

- 7. Pedestrian facilities will be required along the entire frontages of all new public roads within the GDP, and along the entire northerly frontage of 19<sup>th</sup> St NW abutting the Property.
- 8. Development of the Property will need to be phased so that trip generation does not exceed 1200 adt, prior to a second access being constructed to serve the Property.
- 9. Specific routing of public utilities through the Property, and to provide service to abutting properties will be addressed through the platting stages and Development Agreement.

Charges/fees applicable to the development of this property will be addressed in the Development Agreement and will include (rates below are current through 7/31/03):

- ❖ Sewer Availability Charge (SAC) @ \$1790.25 per developable acre, or if Trunkline Sanitary Sewer is extended as a City project to serve the Property, the Owner will be subject to the rate established for the Trunkline Sewer Project.
- ❖ Water Availability Charge (WAC) @ \$1790.25 per developable acre.
- ❖ Sanitary Sewer Connection Charge @ \$45.07 per foot of frontage.
- Transportation Improvement District (TID) TBD
- ❖ Storm Water Management TBD
- ❖ First Seal Coat @ \$0.49 per square yard of public street surface.
- Street Signs as determined by the City Engineer.

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#### Minnesota Department of Transportation

Minnesota Department of Transportation - District 6
Mail Stop 060
2900 48<sup>th</sup> Street N.W.

Rochester, MN 55901-5848

Fax: 507-285-7355 E-mail: dale.maul@dot.state.mn.us

Office Tel: 507-280-2913

June 9, 2003

Jennifer Garness Rochester-Olmsted Planning Department 2122 Campus Drive SE-Suite 100 Rochester, MN 55904

Re: General Development Plan #211 by West 19<sup>th</sup> Development to be known as West 19<sup>th</sup> Development. The applicant is proposing to develop approximately 90 acres of land with a variety of land uses consisting of low density residential uses, medium density uses and non-residential uses. A Zoning District Amendment is being considered concurrent with this application. The property is located east of 60<sup>th</sup> Avenue NW, north of 19<sup>th</sup> Street NW and west of Circle 19 Plaza Second Subdivision.

Re: Zoning District Amendment #03-12 by West 19<sup>th</sup> Development. The applicant is proposing to zone approximately 12.93 acres of land to the R-2 (Low Density Residential) zoning district. The property is located east of 60<sup>th</sup> Avenue NW, north of 19<sup>th</sup> Street NW and west of Circle 19 Plaza Second Subdivision. A General Development Plan is being considered concurrent with this application.

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposals. Although these proposals do not have direct access to TH 14, the traffic generated will eventually use TH 14. Mn/DOT requests the City of Rochester monitor and manage the impacts this development will have for both City Streets and for Mn/DOT roadways.

Thank you for keeping Mn/DOT informed. You may contact Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777 for any questions you may have.

Sincerely,

Dale E. Maul Planning Director

ale EMml





June 4, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: General Development Plan #211 by West 19<sup>th</sup> Development to be known as West 19<sup>th</sup> Development.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

- 1. This area is within the Northwest High Level Water System Area, which is currently available from the north at the end Ashland Lane NW, approximately 1000' east at the end of Heritage Place NW and to the south of the railroad within the Seehusen Industrial Park development. All three of these mains must be interconnected with the development of this property.
- 2. Static water pressures within this area will range from the low 60's to mid 100's PSI. The builders must install pressure-reducing devices near the domestic water meters in the higher-pressure areas as required by the Minnesota Plumbing Code.
- 3. The water main in the cul-de-sac streets must be looped and water mains must be extended to adjacent properties per our requirements.
- 4. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Gale Mount, Building & Safety
McGhie & Betts, Inc.
West 19<sup>th</sup> Development

a Richard

#### WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: GDP #211 by West 19th Development

$\square$	wetlands. The property owner is responsible for identifying wetlands.  Other or Explanation:
	No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for
	A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
	A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
	A wetland delineation has been carried out for the property and is on file with the Planning Department.
<u>.</u>	Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
	No hydric soils exist on the site based on the Soil Survey





DATE: June 5, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher

Fire Protection Specialist

SUBJ:

General Development Plan @211 by West 19<sup>th</sup> Development to be known as West 19<sup>th</sup> Development. The applicant is proposing to develop approximately 90 acres of land with a variety of land uses consisting of low density residential uses, medium density uses and non-residential uses.

With regard to the above noted project plan, the fire department has the following requirements:

- 1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
- Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
- 3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
- 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- Donn Richardson, RPU, Water Division
   West 19<sup>th</sup> Development 4410 NW 19<sup>th</sup> Street Rochester, MN 55901
   McGhie & Betts, Inc 1648 3<sup>rd</sup> Ave SE Rochester, MN 55904

#### REQUEST FOR COUNCIL ACTION

MEETING

171

**DATE:** 7-21-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	E-10
ITEM DESCRIPTION: Zoning District Amendment #03-13 by Greg Munson. The applicant is proposing to zone approximately 10.19 acres of land from the I (Interim) district to the R-1 (Mixed Single Family) zoning district. The property is located south of Harbor Drive SE and east of Sunrise Avenue SE. A General Development Plan is being considered concurrent with this application.		PREPARED BY: Brent Svenby, Planner

July 11, 2003

#### **City Planning and Zoning Commission Recommendation:**

The City Planning and Zoning Commission held a public hearing on June 25, 2003 to consider this zone change. The Commission also reviewed a Land Use Plan Amendment and GDP for the property.

The Commission reviewed the zone change request based on the criteria as included in the staff report and recommended Approval, with staff suggested findings.

Motion by Ms. Petersson, seconded by Mr. Burke to recommend approval of Zoning District Amendment #03-13, with staff-recommended findings. Motion carried 7-0.

#### **Planning Staff Recommendation:**

See attached staff report dated June 19, 2003.

#### **Council Action Needed:**

The Council should direct the City Attorney to prepare findings of fact reflecting the Councils decision on this zone change.

If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property

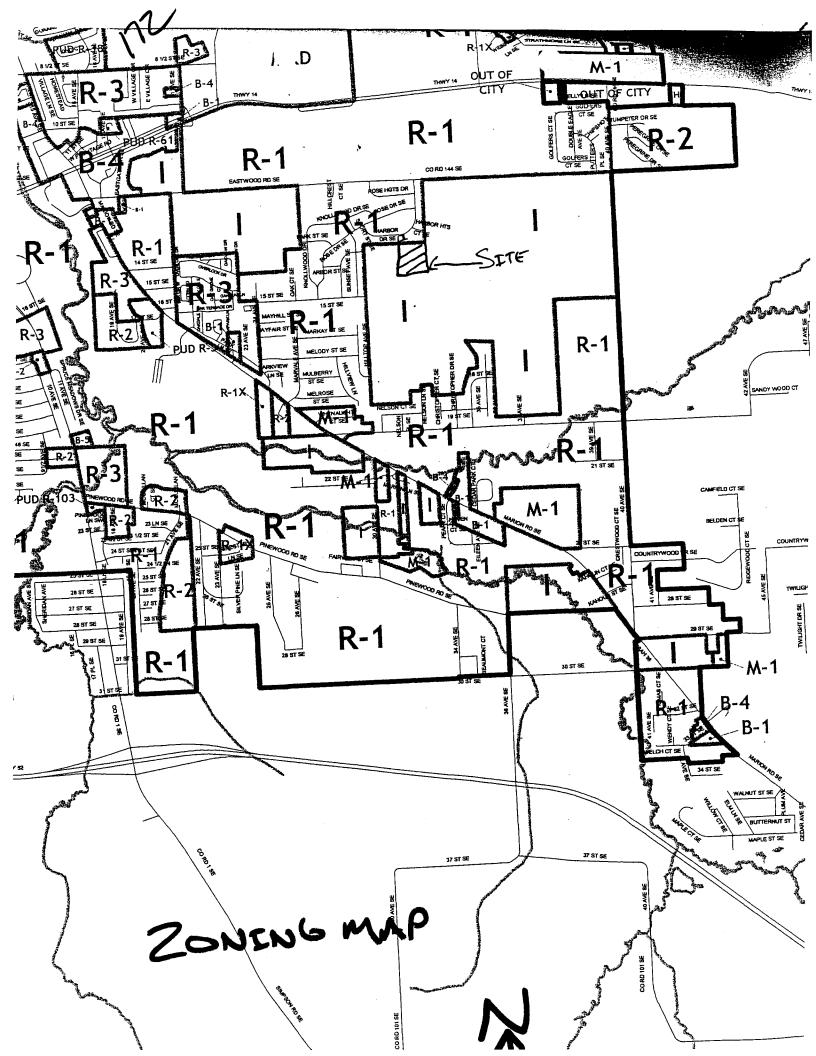
#### Attachments:

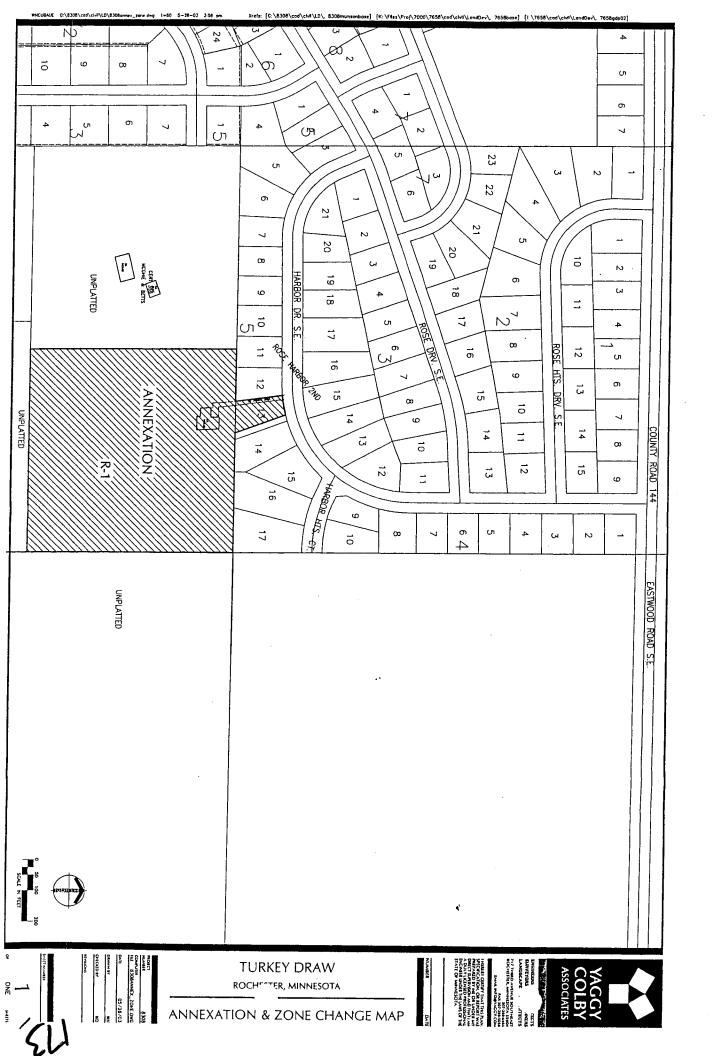
- 1. Staff Report dated June 19, 2003
- 2. Minutes of the June 25, 2003 CPZC Meeting

#### **Distribution:**

- 1. City Clerk
- 2. City Administrator
- 3. City Attorney: Legal Description
- 4. Planning Department File
- 5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, July 21, 2003 in the Council/Board Chambers at the Government Center, 151 4th Street SE.
- 6. Yaggy Colby Associates

COUNCIL ACTION:	UNCIL ACTION:				
Motion By:	Seconded By:	Action:			







#### ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

www.olmstedcounty.com/planning



TO:

City Planning and Zoning Commission

FROM:

Brent Svenby, Planner

DATE:

June 19, 2003

RE:

Zoning District Amendment #03-13 by Greg Munson. The applicant is proposing to zone approximately 10.19 acres of land from the I (Interim) district to the R-1 (Mixed Single Family) zoning district. The property is located south of Harbor Drive SE and east of Sunrise Avenue SE. A General Development Plan is being considered concurrent with this

application.

#### Planning Department Review:

Petitioner:

Greg Munson

3116 Harbor Drive SE Rochester, MN 55904

Consultant:

Yaggy Colby Associates 717 Third Avenue SE Rochester, MN 55904

Location of Property:

The property is located south of Harbor Drive SE and

east of Sunrise Avenue SE.

Requested Action:

The applicant is proposing to zone approximately 10.19 acres to the R-1 (Mixed Single Family) district in the City. The property is currently zoned I-Interim

on the Rochester Zoning Map.

**Existing Land Use:** 

There is currently a single family dwelling on the

property.

**Proposed Land Use:** 

The Rochester Urban Service Area Land Use Plan

designates this area as "Low Density Residential"

types of uses.

A General Development Plan is being considered

concurrent with this application.

Adjacent Land Use and

Zoning:

North: Land to the north is platted single family lots, zoned R-1 on the City of Rochester zoning map.

Some of the properties are outside the City limits, but within the Marion Township orderly Annexation

Agreement area, for which City land use and zoning

controls have been extended



Page 2 June 19, 2003 175

South: Undeveloped property (approximately 35 acres) zoned I (Interim) but is outside the City limits, but within the Marion Township orderly Annexation Agreement area, for which City land use and zoning controls have been extended.

East: Undeveloped property (approximately 120 acres) within the City and zoned I (Interim) on the City of Rochester zoning map.

West: A 10 acre parcel with a single family dwelling on it. The property is zoned I (Interim) but is outside the City limits, but within the Marion Township orderly Annexation Agreement area, for which City land use and zoning controls have been extended.

**Transportation Access:** 

Access to this property would be from Harbor Drive SE. A public road is proposed to serve the development, however, it would not be accessible until the property to the south is developed.

An access easement will need to be dedicated to provide access from Harbor Drive SE to the proposed lots indicated on the GDP.

The property to the west is does have the potential to be redeveloped in the future. In order to provide connectivity between properties a public road connection to the parcel to the west should be provided.

Wetlands:

Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information to the Planning Department.

**Neighborhood Meeting:** 

A neighborhood meeting was held on June 11, 2003. A summary of the meeting is attached.

**Report Attachments:** 

- 1. Area Zoning Map
- 2. Neighborhood Meeting Summary

#### Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:

- a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
- b) The area was originally zoned erroneously due to a technical or administrative error;
- c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or
- d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

<u>Proposed R-1</u>: The Rochester Urban Service Area Land Use Plan designates this property for "low density residential" types of uses. Upon extension of City of Rochester land use and zoning controls to this area and zoning this property on the City of Rochester Zoning Map, the property was placed in the I-Interim zoning district. The current I-Interim district is not intended to be a permanent zoning district.

It is in the public interest to re-zone the property to encourage development of the property. Sanitary sewer and water service are available to serve this property. A low density residential development in the R-1 district would be compatible on this property and in this area.

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:
  - a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and
    - <u>Proposed R-1:</u> Low density residential development in the R-1 district would be compatible on this property and in this area. According to the City of Rochester Zoning Ordinance, the R-1 zoning district is intended to maintain areas where the emphasis has historically been on the development of single family detached dwellings.
  - b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

Proposed R-1X: The amendment would not be considered spot zoning.

#### Staff Recommendation:

Based on the findings above, staff recommends approval to zone approximately 10.19 acres from I (Interim) to R-1X (Mixed Single Family Extra) on the City of Rochester zoning map.



SURVEYORS

June 12, 2003

Mr. Brent Svenby
Rochester-Olmsted Planning Department
2122 Campus Drive SE
Rochester, MN 55904

RE: Neighborhood Meeting Summary
Turkey Draw Zone Change & General Development Plan

LANDSCAPE ARCHITECTS

PLANNERS

Dear Mr. Svenby:

A neighborhood meeting was held June 11, 2003 at the office of Yaggy Colby Associates, 717 Third Avenue SE, regarding the proposed R-1 Zone Change and General Development Plan (GDP) for Turkey Draw. Ten neighbors were in attendance (please see attached sign-in sheet) in addition to Greg and Linda Munson. The history and existing use of the property, the future use of the property, as well as individual neighbor's questions and concerns were discussed.

The property is currently zoned interim. The Zone Change to R-1 and the proposed GDP were fairly well received and the neighbors mainly had questions on the process of the Zone Change and GDP. It was explained that there is no current development plans other than to rezone the property so a lot split could be performed on the current home site.

The primary concerns involve how and when the land would be developed and how the property would be served by sanitary sewer. A potential future lift station was discussed that could allow development of the property without access and sewer from the south. It was discussed that additional submittals would be required for more than one lot to be split off. There were no comments on traffic concerns.

If you have any questions or concerns, please call.

.

YAGGY COLBY ASSOCIATES

Wade Neubauer, EIT

YCA #8308 LD2

Sincerely,

Attachment

cc: Greg and Linda Munson

ROCHESTER OFFICE:

717 Third Avenue SE

Rochester, MN 55904

507-288-6464

Fax 507-288-5058

MPLS/ST PAUL OFFICE:

651-681-9040

MASON CITY OFFICE:

641-424-6344

DELAFIELD OFFICE:

262-646-6855



ENGINEERS

ARCHITECTS

SURVEYORS

		ROJECT #	8308 LDZ
PROJECT	Turkey Draw	Neighborho	ad Meeting
PREPARED BY		DATE	6/11/03
CHECKED BY		DATE	<i>/ · · /</i>

LANDSCAPE ARCHITECTS

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Department in the attached memo dated June 5, 2003.

7. The roadways illustrated as "Rosewood Lane SW" and "Teakwood Lane SW" and "Scenic Point Drive SW" shall be posted "No Parking" along one side of each roadway.



Zoning District Amendment #03-13 by Greg Munson. The applicant is proposing to zone approximately 10.19 acres of land from the I (Interim) district to the R-1 (Mixed Single Family) zoning district. The property is located south of Harbor Drive SE and east of Sunrise Avenue SE. A General Development Plan is being considered concurrent with this application.

#### AND

General Development Plan #212 by Greg Munson to be known as Turkey Draw. The applicant is proposing to develop approximately 10.19 acres of land with single family residential uses. The property is located south of Harbor Drive SE and east of Sunrise Avenue SE. A Zoning District Amendment is being considered concurrent with this application.

Ms. Mitzi A. Baker presented the staff reports, dated June 19, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Ms. Baker explained that there was a typographical error in the zoning district amendment findings. The property would actually be zoned R-1 and not R-1x.

Mr. Staver asked staff to comment on the letter from Margaret Nelson regarding providing access through her property.

Ms. Baker responded that Ms. Nelson objects to a public road going through the development and connecting to her property. She stated that the general development plan may appear a little backward, since it shows the public road coming out of the adjacent property when they do not have an approved plan on that site yet. However, the first property designed must have a plan for roadways. She indicated that she believes staff would require an access in that area for a connection to a roadway, regardless of who filed a general development plan first.

Mr. Staver asked, if the development to the south didn't occur, would there only be access to the north.

Ms. Baker stated that staff is asking for an access to the west as well.

Ms. Wiesner asked why an access would not occur to the east.

Ms. Baker responded that there were topography issues.

Ms. Rivas stated that it made more sense to line up the roadway to the west with the other roadway.

Ms. Baker the applicant is proposing a private access to serve a few lots that do not have any frontage on the public road. Therefore, it acts more like a shared private driveway.

Mr. Burke asked how utilities would serve the area.



Page 4
City Planning and Zoning Commission Minutes
Hearing Date: June 25, 2003

Ms. Baker responded that some may be provided through the private access road.

Ms. Wiesner asked if it would be temporary.

Ms. Baker responded no, that did not appear to be the intent.

Discussion ensued regarding phasing of the development.

The applicant's representative, Mr. Wade DuMond of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN 55904), addressed the Commission. He explained that the main reason for going through the zoning district amendment and general development plan is so that the applicant can sell off the home and maintain ownership of the other seven acres. Due to the property being zoned Interim, the zoning district amendment was necessary. He showed where the sanitary sewer would go through the development and where a potential lift station could be placed and pumped through Rose Harbor. There are currently utilities in Rose Harbor.

Mr. DuMond stated that water would have to loop through the property and possibly be extended to the east, west, and to the south.

Mr. DuMond stated that the private access road was created to provide access to the lower portion of the site. The reason it is cutting across the lots is because it is so steep they can only get lots on only one side that are usable.

Mr. DuMond stated that the applicant was in agreement with the staff-recommended conditions.

Ms. Margaret Nelson, of 1405 South Main Street, Zumbrota MN, addressed the Commission. She stated that her son and her were at the neighborhood meeting on June 11, 2003. She indicated that she asked Mr. DuMond if the City could condemn her property for the second access. He responded yes, but that the City did not like to do that. She indicated that she spoke with Mr. DuMond this afternoon, and he then indicated that the City could not condemn it. However, after speaking with an attorney, she found that the City could.

Ms. Nelson stated that Mr. Munson knew that the land was landlocked on three sides when he purchased it. She stated that the proposed plan would provide a second access to his property by taking some of her land that abuts his property. She indicated that she owns 35 acres and her children own the other 36 acres. She currently has an offer on the table of \$20,000 an acre for her land from the Sienna Corporation.

Ms. Nelson stated that she contracted with Yaggy Colby Associates to draw up a development plan for her 71 acres. However, she did not agree with the plan and asked that they furnish her with an alternative plan. She expressed concern that Yaggy Colby Associates did not contact her when they began working on the proposed site for Mr. Munson. She stated that she does not want to give up her valuable land so that Mr. Munson can have a small development on his 8 ½ acres. She explained that the development of her land into large lots with up scaled homes would benefit southeast Rochester and generate taxes for the City.

Ms. Wiesner asked what land she would have to give up.

Ms. Nelson responded that she owns the 35 acres that abuts his land. Potentially the sewer would have to come through her property and the roadway would go through her property to his.

City Planning and Zoning Commission Minutes

Hearing Date: June 25, 2003

She stated that, if the City wanted to condemn her land, they would have to pay her what she has been offered. Also, it would jeopardize the Sienna development for southeast Rochester. She discussed what land Sienna Corporation has been acquiring.

Mr. Dennis Nelson, of 3100 15 Street SE, addressed the Commission. If a lift station was used, he stated that he could not believe that all those people living on those lots going in and out of that private roadway.

Ms. Nelson stated that she is ready to begin developing her land.

Ms. Wiesner asked how Ms. Nelson would get sewer and water to her property.

Ms. Nelson responded through 15 Street SE.

Ms. Nelson stated that she has been thinking about contacting the owner on the east side (Mr. Thien) since she would like an access onto Eastwood Road.

Ms. Wiesner stated that, once Ms. Nelson was ready to develop her land, she would have to show connectivity to adjacent landowners as well. She explained that Mr. Munson is required to connect to her property.

Ms. Nelson responded that she is not asking for Mr. Munson to provide a roadway for her. She has her own plans for her property.

Ms. Wiesner explained that, since Mr. Munson submitted his general development first, they have to show road connections to adjacent properties according to policy.

Ms. Nelson stated that she understands that they have to show it, but explained that it would jeopardize her plans for her property.

Mr. Burke stated that she would also have to show connectivity. He stated that she needed to work with Mr. Munson regarding connection due to topography.

Ms. Nelson stated that Mr. Munson and Yaggy Colby Associates should have contacted her of their plans before submitting them to the Rochester-Olmsted Planning Department.

Mr. Nelson expressed concern that they will need to develop their land right away.

Ms. Wiesner explained that they are required to show a roadway connection to future development. It is a requirement by Public Works. She explained that access was not possible to the east due to topography.

Ms. Baker stated that there seemed to be confusion regarding timing of when development happens on the property to provide the public street access and the sewer access to the site. When a buyer comes in with a development proposal, they will be required to show access to the property. The timing of when utilities and streets get built on the property to provide the access is not being determined at this meeting. One concern being expressed by Mr. and Ms. Nelson is that they feel they are being forced to build street and sewer, or give up land for that, in order for Mr. Munson's property to be planned. She indicated that the property needs to be planned for and they are not determining the time frame in which the sewer and water and street connection from the south to the north would occur. If the City, in the long term, decides





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City Planning and Zoning Commission Minutes

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that condemnation of the Nelson property is in the best interest of the community to provide the sewer and water extension and street extension, they will consider that separately.

Ms. Nelson stated that he is opposed to the development of Mr. Munson's property. She reiterated that Mr. Munson and Yaggy Colby Associates should have consulted her with the plans before submitting them to the Rochester-Olmsted Planning Department.

Ms. Petersson asked if she consulted Mr. Munson when her plans were created.

Mr. Haeussinger stated that, if Ms. Nelson had submitted her general development plan before Mr. Munson, she still would have to show a roadway connection to the north. It is a matter of exactly where the roadway would be located.

Mr. Ted Karau addressed the Commission. He stated that the Nelsons were overlooking the fact that an access needed to be located where indicated due to topography. Therefore, the layout is not bad due to the topography of the site.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Petersson moved to recommend approval of Zoning District Amendment #03-13 by Greg Munson based on the staff-recommended findings. Mr. Burke seconded the motion. The motion carried 7-0.

Ms. Petersson moved to recommend approval of General Development Plan #212 by Greg Munson to be known as Turkey Draw based on the staff-recommended findings and conditions. Mr. Haeussinger seconded the motion.

Mr. Staver stated that he understands that they have to look at the parcel in front of them. However, as a Commission, they are charged at looking at the bigger picture. He stated that he wished there were some more opportunity for the adjoining neighbors to work on a plan that might be beneficial for all. He stated that he understands that Public Works needs access to be provided. However, he believes there is room for some compromise. He stated that he does not feel comfortable supporting the general development plan as drawn.

Mr. Quinn stated that he did not think the general development plan as drawn would be what goes before the City Council. According to condition 1 listed in the staff report, they need to come up with an access to the west. As Mr. Karau mentioned, there is a problem on the east side. Therefore, they will need to go to the west, north, and south.

Ms. Rivas agreed with Mr. Staver. She indicated that the private roadway access going through the lots seemed to be poor planning. If they cut the lot north and south, the design could be better. However, the house is in the way.

The motion carried 5-2, with Mr. Staver and Ms. Rivas voting nay.

### **CONDITIONS:**

1. The GDP shall be revised to provide a public roadway connection to the property to the west at an area where the topography allows and the public cul-de-sac should align on contour with the abutting property to the south.



- 2. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
- 3. The GDP does not show any on-site storm water detention for this development. The GDP narrative indicated that the Owner is requesting to participate in the City's Storm Water Management Plan (SWMP) and pay its applicable Storm Water Management fee, in lieu of providing on-site storm water detention. Point discharge to lands outside the City limits will not be permitted without approval by the abutting Owners, and Township Board.
- Pedestrian facilities are required along the entire frontages of both sides of all new public roadways within this development.
- The proposed public cul-de-sac will not be publicly maintained until a public street connection is made to the south of this Property. Details regarding interim maintenance of the proposed public cul-de-sac will be addressed in the Development Agreement.
- 6. The applicant shall execute an Ownership & Maintenance Agreement with the City for the proposed private road, as well as access rights across the private road for the proposed lots that will be located on the proposed public cul-de-sac.
- 7. Parkland dedication requirements for this development shall be met via cash in lieu of land.

Zoning District Amendment #03-12 by West 19<sup>th</sup> Development. The applicant is proposing to zone approximately 12.93 acres of land to the R-2 (Low Density Residential) zoning district. The property is located east of 60<sup>th</sup> Avenue NW, north of 19<sup>th</sup> Street NW and west of Circle 19 Plaza Second Subdivision. A General Development Plan is being considered concurrent with this application.

General Development Plan #211 by West 19<sup>th</sup> Development to be known as West 19<sup>th</sup> Development. The applicant is proposing to develop approximately 90 acres of land with a variety of land uses consisting primarily of/low density residential uses. The plan also identifies potential future medium density and non-residential uses. A Zoning District Amendment is being considered concurrent with this application. The property is located east of 60<sup>th</sup> Avenue NW, north of 19<sup>th</sup> Street NW and west of Circle 19 Plaza Second Subdivision.

Ms. Mitzi A. Baker presented the staff reports, dated June 19, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Ms. Baker stated that the applicant's consultant would need to submit revised plans a minimum of two weeks prior to the City Council meeting. She indicated that there is a disagreement on one condition of the general development plan regarding the 30 foot park access being 150 feet



## REQUEST FOR COUNCIL ACTION

MEETING

**DATE:** 7-21-03

	<del></del>
ATING DEPT:	ITEM NO.
PLANNING	E-11
ITEM DESCRIPTION: General Development Plan #212 by Greg Munson to be known as Turkey Draw. The applicant is proposing to develop approximately 10.19 acres of land with single family residential uses. The property is located south of Harbor Drive SE and east of Sunrise Avenue SE. A Zoning District Amendment is being considered concurrent with this application.	
_	

July 16, 2003

A revised Plan was submitted following the Planning Commission meeting, to address staff recommended modifications. In response, staff recommends modifications to the conditions, as shown in strikethrough (to delete) and underlined (new) text.

The applicant is suggesting that the Council place the following condition on approval of the GDP: The southern portion of the development, Phase 3, shall not be platted until access and utilities become available from the property to the west. No connection for Turkey Draw Phase 3 will be required to the south until development is initiated by the property owner to the south or to the west until development is initiated by the property owner to the west.

### **City Planning and Zoning Commission Recommendation:**

On June 25, 2003 the City Planning and Zoning Commission reviewed this General Development Plan.

Wade DuMond of Yaggy Colby Associates addressed the Commission and explained the proposal. He stated that the applicant did not object to the recommended conditions.

The property owner to the south is opposed that a connection is shown to her property.

The Commission reviewed this proposal according to the criteria listed in Paragraph 61.215 of the Zoning Ordinance and Land Development Manual.

Ms. Petersson made a motion to recommend approval of General Development Plan #212 to be known as Turkey Draw based on staff-recommended findings and conditions. Mr. Haeussinger seconded the motion. The motion carried 5-2, with Mr. Staver and Ms. Rivas voting nay.

### Conditions:

- 1. The GDP shall be revised to provide a public roadway connection to the property to the west at an area where the topography allows and the public cul-de-sac should align on contour with the abutting property to the south.
- 2. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
- 3. The GDP does not show any on-site storm water detention for this development. The GDP narrative indicated that the Owner is requesting to participate in the City's Storm Water Management Plan (SWMP) and pay its applicable Storm Water Management fee, in lieu of providing on-site storm water detention. Point discharge to lands outside the City limits will not be permitted without approval by the abutting Owners, and Township Board.
- 4. Pedestrian facilities are required along the entire frontages of both sides of all new public roadways within this development.
- 5. The proposed public cul-de-sac will not be publicly maintained until a public street connection is made to the south of this Property. Details regarding interim maintenance of the proposed public cul-de-sac will be addressed in the Development Agreement.

COUNCIL ACTION:	Motion by:	Second by:	to:	



- 6. The applicant shall execute an Ownership & Maintenance Agreement with the City for the proposed private road, as well as access rights across the private road for the proposed lots that will be located on the proposed public cul-de-sac.
- 7. Parkland dedication requirements for this development shall be met via cash in lieu of land.
- 8. <u>Watermain extension, looping and design must be provided as required by RPU Water Division as stated in the June 4, 2003 referral comment letter.</u>

#### Planning Staff Recommendation:

See attached staff report dated June 19, 2003.

#### **Council Action Needed:**

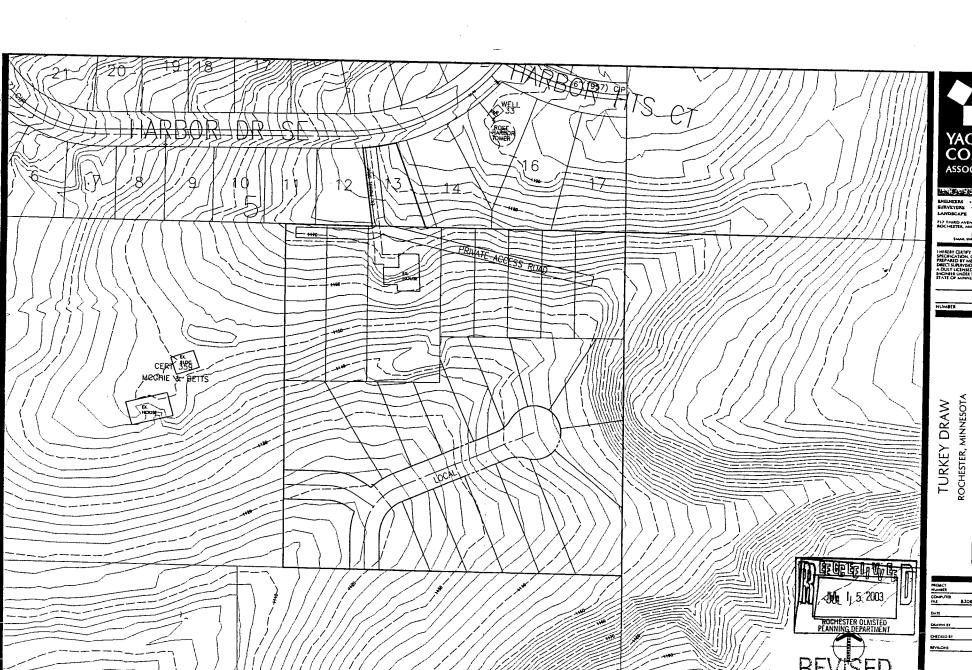
- 1. The Council may approve, approve with conditions, or deny the general development plan. The Council must make findings based on the criteria listed in Paragraph 61.215.
- 2. If the Council wishes to proceed with the general development plan as proposed, it should instruct the City Attorney to prepare a resolution for Council approval.

### **Attachments:**

- 1. Staff Report dated June 19, 2003
- 2. Minutes of the June 25, 2003 CPZC Meeting (attached to zone change RCA)
- 3. Letter from the Gerzsenyi's (property owners to the west)
- 4. Additional information from Mr. Munson

### **Distribution:**

- 1. City Administrator
- 2. City Attorney
- 3. Planning Department File
- 4. Applicant: This item will be considered some time after 7:00 p.m. on Monday, July 21, 2003 in the Council/Board Chambers in the Government Center at 151 4th Street SE.
- 5. Yaggy Colby Associates



GENERAL DEVELOPMENT PLAN

05/28/03

LOT LOCATION, SIZE AND NUMBER ARE APPROXIMATE.
PLEASE SEE CITY OF ROCHESTER ZONING ORCHANCE
FOR ALLOWED DENSITIES, INTENSITIES, AND LAND USES.



July 15, 2003

Honorable Mayor and Common Council c/o Brent Svenby Rochester-Olmsted Planning Department 2122 Campus Drive SE Rochester, MN 55904

RE: Turkey Draw Zone Change & General Development Plan Rochester, Minnesota

Dear Honorable Mayor and Common Council:

We voluntarily request that the following condition be placed on the approval of our Turkey Draw General Development Plan in order to address adjacent property owner concerns:

• The southern portion of the development, Phase 3, shall not be platted until access and utilities become available from the property to the south or the property to the west. No connection for Turkey Draw Phase 3 will be required to the south until development is initiated by the property owner to the south, nor to the west until development in initiated by the property owner to the west.

We would also like to state for the record that lots may be platted on both sides of the Private Access Road shown in the northern portion, Phase 2, of the development.

If you have any questions or concerns, please call us at 285-9246 or you may contact Mr. Wade Neubauer at Yaggy Colby Associates, 288-6464.

Sincerely,

Greg Munson, Property Owner

Linda Munson, Property Owner

Lynda Minen

WN

YCA #8308 LD2

cc:

Yaggy Colby Associates Ken and Peggy Gerzsenyi

Margaret Nelson

Donald and Virginia Van Keulen



#### 7/11/2003

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Honorable Mayor and Common Council To the Attention of Ms Mitzi Baker, Mr, Brent Svenby City Hall

Honorable Mayor and Common Council,

We are writing to you with concerns regarding the Turkey Draw GDP that you will be addressing at the city council meeting on 7/21/03. We live at 1402 Sunrise Ave SE which is the 9.95 acre plot just West of Munson's property that the GDP is for. We wanted to make sure you understood our position on this item since there is a history here that we believe is very pertinent.

When we purchased this property from the Munsons in October of 1982 there was an easement across our property for access to the Munson property. We were very uncomfortable with this situation so one of the agreements we reached prior to purchase was that the easement would be removed from the abstract and we would pay for half of lot 13 north of the Munson property so that they would not be landlocked. We felt that strongly about our new home and protecting any development from occurring there and we still do.

On 6/11, we attended the neighborhood meeting with Yaggy Colby and the Munsons to understand what was planned. We left that meeting with the understanding that Yaggy Colby had already worked with zoning and planning and that the GDP that they shared with us was what was going to go to the city council. We had no concerns with that plan since it only had access on the north and south. We understood that there would be a public hearing on 6/25 but due to our understanding and work obligations we did not attend since we had no concerns and Yaggy Colby had already worked with the Planning and Zoning group.

We now understand in hindsight that on 6/19 the consolidated planning group sent a letter to Yaggy Colby stating that a west access would be required but this was not communicated to us. Munsons were informed on 6/20 that this would be required. Since we did not know this we did not attempt to alter our work plans to attend the public hearing. We now understand that at that public hearing the west access requirement was approved on a 5-2 vote.

This will basically undo everything we accomplished when we bought out the easement from the Munsons when we purchased this land. We have no current plans on developing our land since it is our home.

If the city council decides to approve the west access for the Munson property, I request that you commit to us that you will not force this access to occur by condemning our land as long as our land is not developed. Can you make that commitment to us? We will be in attendance at the city council meeting on 7/21 to speak at the meeting. Please help us to protect our home and property that we have enjoyed for the last 21 years.

Sincerely,

Ken and Peggy Gerzsenyi 1402 Sunrise Ave SE

Rochester, Mn 55904



### ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

www.olmstedcounty.com/planning



TO:

**City Planning and Zoning Commission** 

FROM:

Brent Svenby, Planner

DATE:

June 19, 2003

RE:

General Development Plan #212 by Greg Munson to be known as

Turkey Draw. The applicant is proposing to develop

approximately 10.19 acres of land with single family residential uses. The property is located south of Harbor Drive SE and east of

Sunrise Avenue SE. A Zoning District Amendment is being

considered concurrent with this application

### Planning Department Review:

Petitioner:

Greg Munson

3116 Harbor Drive SE Rochester, MN 55904

Consultant:

Yaggy Colby Associates 717 Third Avenue SE Rochester, MN 55904

**Location of Property:** 

The property is located south of Harbor Drive SE and

east of Sunrise Avenue SE.

**Proposed Use:** 

The property includes approximately 10.19 acres of land. The applicant is proposing to re-zone the property to the R-1 (Mixed Single Family) district to permit the development of single family dwellings. Public and private roadways are proposed to serve the

development.

Land Use Plan:

The Rochester Urban Service Area Land Use Plan

designates this area as "Low Density Residential"

types of uses.

Zoning:

The property is currently zoned I - Interim, on the City of Rochester Zoning Map. Though this property is not currently in the City limits, it is within the Orderly Annexation agreement area with Marion Township for

Annexation agreement area with Marion Township for which the City of Rochester extended land use and zoning controls. The property will need to be annexed



Page 2 General Development Plan June 19, 2003 191

prior to development. The applicant has petitioned for annexation.

Access to this property would be from Harbor Drive SE. A public road is proposed to serve the development, however, it would not be accessible until the property to the south is developed.

An access easement will need to be dedicated to provide access from Harbor Drive SE to the proposed lots indicated on the GDP.

The property to the west is does have the potential to be redeveloped in the future. In order to provide connectivity between properties a public road connection to the parcel to the west should be provided.

Pedestrian facilities will be required along both sides of all new public roadways.

On-site stormwater management is not proposed on this GDP. The GDP narrative indicated that the Owner is requesting to participate in the City's Storm Water Management Plan (SWMP) and pay its applicable Storm Water Management fee, in lieu of providing onsite storm water detention. Point discharge to lands outside the City limits will not be permitted without approval by the abutting Owners, and Township Board

Detailed grading and drainage plans will also be required when the property is platted or developed.

Public utilities are available to serve the property; however, a lift station would be required until sanitary sewer is extended from the south to serve the property. Gravity sewer to serve the property would need to be from laterals from the Bear Creek subtrunkline sanitary sewer extension project which scheduled to 2004 in the City's 6 year CIP. Laterals from this sub-trunkline is depended upon the development of adjacent properties.

The area is within the Rose Harbor High Level Water System Area, which is currently available within Harbor Drive SE. Static water pressures will range from approximately 60 to the lower 80's PSI

The water main must be looped through this subdivision from Harbor Drive SE on the north to the unplatted property to the south and water mains must be extends to other adjacent developable properties per the requirements of RPU –Water Division.

Streets:

Sidewalks:

Drainage:

**Public Utilities:** 



Page 3 General Development Plan June 19, 2003

Wetlands:

Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information to the Planning Department.

The Decorah Edge is present within this area.

**Referral Comments:** 

- 1. Rochester Public Works
- 2. Rochester Park & Recreation
- Planning Dept. Wetlands
   RPU Operations Division
- 5. RPU Water
- 6. Olmsted County Environmental Services
- 7. Rochester Fire Department
- 8. Planning Department Addressing Staff

Report Attachments:

- 1. Copy of General Development Plan
- 2. Referral Comments (5)
- 3. Proposed General Development Plan Narrative
- 4. Letter from Adjacent Property Owner

### Staff Suggested Findings and Recommendation:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the Criteria for approval of a general development plan (see attached section from the newly adopted regulations, which became affective May 15, 1999.

Criteria A.

The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

The Rochester Urban Service Area Land Use Plan designates this drainageway as "low density residential" types of uses.

Criteria B.

The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

The property includes approximately 10.19 acres of land. The applicant is proposing to re-zone the property to the R-1 (Mixed Single Family) district to permit the development of single family dwellings. Public and private roadways are proposed to serve the development. The plan does provide for the future development of the property to the south by providing a public roadway connection. In order to allow for the future development of the property to the west a public roadway connection should be provided to the property.

The proposed development would be compatible with the existing and permissible future uses of the adjacent properties.

Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

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The development density is consistent with a Low Density Residential land use designation of the Land Use Plan. The GDP is consistent with the Housing Plan and the standards for the physical and social environment of residential neighborhoods.

Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

There are no planned roadway improvements for Harbor Drive SE in the City's current 6 year Capital Improvement Program. With the development of adjacent properties, the roadway network in this part of the city will change to accommodate the development and provide for neighborhood connectivity throughout the area.

- Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.
  - Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

There are no planned roadway improvements for Harbor Drive SE in the City's current 6 year Capital Improvement Program. With the development of adjacent properties, the roadway network in this part of the city will change to accommodate the development and provide for neighborhood connectivity throughout the area.

Access to this property would be from Harbor Drive SE. A public road is proposed to serve the development, however, it would not be accessible until the property to the south is developed.

An access easement will need to be dedicated to provide access from Harbor Drive SE to the proposed lots indicated on the GDP.

The property to the west is does have the potential to be redeveloped in the future. In order to provide connectivity between properties a public road connection to the parcel to the west should be provided.

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General Development Plan
June 19, 2003

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

Public utilities are available to serve the property; however, a lift station would be required until sanitary sewer is extended from the south to serve the property. Gravity sewer to serve the property would need to be from laterals from the Bear Creek sub-trunkline sanitary sewer extension project which scheduled to 2004 in the City's 6 year CIP. Laterals from this sub-trunkline is depended upon the development of adjacent properties.

The area is within the Rose Harbor High Level Water System Area, which is currently available within Harbor Drive SE. Static water pressures will range from approximately 60 to the lower 80's PSI

The water main must be looped through this subdivision from Harbor Drive SE on the north to the unplatted property to the south and water mains must be extends to other adjacent developable properties per the requirements of RPU –Water Division

On-site stormwater management is not proposed on this GDP. The GDP narrative indicated that the Owner is requesting to participate in the City's Storm Water Management Plan (SWMP) and pay its applicable Storm Water Management fee, in lieu of providing on-site storm water detention. Point discharge to lands outside the City limits will not be permitted without approval by the abutting Owners, and Township Board.

 The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

Parkland dedication requirements for this development will need to be met via cash in lieu of land.

Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

On-site stormwater management is not proposed on this GDP. The GDP narrative indicated that the Owner is requesting to participate in the City's Storm Water Management Plan (SWMP) and pay its applicable Storm Water Management fee, in lieu of providing on-site storm water detention.

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Point discharge to lands outside the City limits will not be permitted without approval by the abutting Owners, and Township Board.

Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

Lot and block layout will need to be reviewed in detail when a plat is submitted for the property. Adjacent undeveloped properties are shown on the Land Use Plan as being suitable for low density residential developments, which would have compatible densities as this proposal.

Additional public access needs to be provided to the property of the west to allow for development of that property and also for neighborhood connectivity once the property is developed.

### **Summary & Recommendation:**

At this time, a petition to re-zone this property to the R-1 District is being considered. If the Zone Change is approved, staff would suggest approval of this GDP subject to the following conditions or modifications:

- 1. The GDP shall be revised to provide a public roadway connection to the property to the west at an area where the topography allows and the public cul-de-sac should align on contour with the abutting property to the south.
- 2. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
- 3. The GDP does not show any on-site storm water detention for this development. The GDP narrative indicated that the Owner is requesting to participate in the City's Storm Water Management Plan (SWMP) and pay its applicable Storm Water Management fee, in lieu of providing on-site storm water detention. Point discharge to lands outside the City limits will not be permitted without approval by the abutting Owners, and Township Board.
- 4. Pedestrian facilities are required along the entire frontages of both sides of all new public roadways within this development.
- 5. The proposed public cul-de-sac will not be publicly maintained until a public street connection is made to the south of this Property. Details regarding interim maintenance of the proposed public cul-de-sac will be addressed in the Development Agreement.
- 6. The applicant shall execute an Ownership & Maintenance Agreement with the City for the proposed private road, as well as access rights across the private road for the proposed lots that will be located on the proposed public cul-de-sac.
- 7. Parkland dedication requirements for this development shall be met via cash in lieu of land.



# ROCHESTER

## — Minnesota

TO: Consolidated Planning Department

2122 Campus Drive SE Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4<sup>th</sup> Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 6/13/03

The Department of Public Works has reviewed the application for <u>General Development Plan #212</u> for the proposed <u>Turkey Draw</u> development. The following are Public Works comments on this request:

- 1. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
- 2. Grading & Drainage Plan approval is required prior to development. The GDP narrative indicated that the Owner is requesting to participate in the City's Storm Water Management Plan (SWMP) and pay its applicable Storm Water Management fee, in lieu of providing onsite storm water detention. Point discharge to lands outside the City limits will not be permitted without approval by the abutting Owners, and Township Board.
- 3. Pedestrian facilities will be required at the Owner's expense along both sides of the proposed public road.
- 4. Execution of an Ownership & Maintenance Agreement will be required for the proposed private road, as well as access rights across the private road for the proposed lots that will be located on the proposed public cul-de-sac.
- 5. The proposed public cul-de-sac will not be publicly maintained until a public street connection is made to the south of this Property. Details regarding interim maintenance of the proposed public cul-de-sac will be addressed in the Development Agreement
- The proposed public cul-de-sac should align on contour with the abutting property to the South.
- 7. Extension of public utilities to abutting properties will be addressed in the Development Agreement.
- 8. Specific routing of public utilities to serve this Property will be addressed through the platting stages.

Charges/fees applicable to the development of this property will be addressed in the Development Agreement and will include (rates below are current through 7/31/03):

- ❖ Water Availability Charge @ \$1790.25 per developable acre
- Sewer Availability Charge (SAC) @ \$1790.25 per developable acre.
- ❖ Storm Water Management TBD
- First Seal Coat Charge @ \$0.49 per square yard of public street surface.
- Traffic Signs, as determined by the City Engineer





June 4, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: General Development Plan #212 by Greg Munson to be known as Turkey Draw.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

- 1. This area is within the Rose Harbor High Level Water System Area, which is currently available within Harbor Drive SE.
- 2. The water main must be looped through this subdivision from Harbor Drive SE on the north to the unplatted property to the south and water mains must be extended to other adjacent developable properties per our requirements.
- 3. Static water pressures within this area will range from approximately 60 to the lower 80's PSI.
- 4. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Gale Mount, Building & Safety
Greg Munson
Yaggy Colby Associates

ma Riland



# ROCHESTER PARK AND RECREATION DEPARTMENT

June 2, 2003

TO:

Jennifer Garness

Planning

RE:

Turkey Draw GDP # 212

Parkland dedication for the development is estimated to be  $\pm\,$  0.50 acres and should be in the form of cash in lieu of land.

# WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: <u>GDP #212, Turkey Draw - Greg Munson</u>

	The Soil Type 474B Haverhill clay is located at the upper end of the cul-desac. This is a hydric soil related to the Decorah Shale "edge" and may be a sidehill seep.
$\boxtimes$	Other or Explanation:
	No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
	A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
	A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
	A wetland delineation has been carried out for the property and is on file with the Planning Department.
	Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
	No hydric soils exist on the site based on the Soil Survey



Date:

June 4, 2003

To:

Jennifer Garness, Rochester-Olmsted Planning Department

From:

Terry Lee, Olmsted County Environmental Services

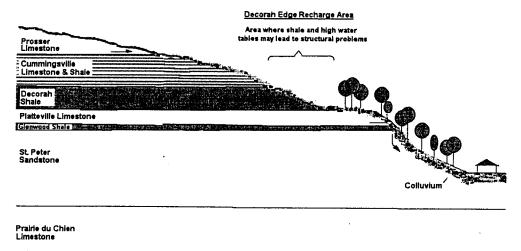
Re:

General Development Plan #212 known as Turkey Draw by Greg Munson in Marion

Township, Section 8.

The Decorah Edge (see diagram below) is present within the area where the parcel is located. In this hydrogeologic setting, water discharges from the upper aquifer through soils overlying the Decorah shale before recharging the underlying aquifer. Developments in this setting have the potential to affect and be affected by these groundwater processes. Shrinking and swelling of the shale may cause structural problems and seasonal high water tables may result in wetness and flooding problems.

This finding is based on information derived from the Olmsted County Geological Atlas, construction logs from nearby wells, and bedrock mapping using two-foot contour intervals. The Decorah shale layer within this area is mapped at elevation of 1118' to 1165' (see attached maps). More accurate bedrock elevations may be available from borings completed on or near the site.



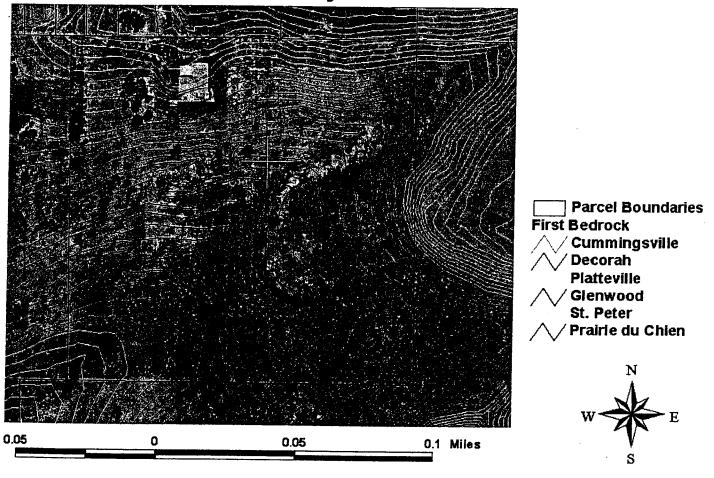
An overview of the Decorah Edge recharge processes and the associated shale and flooding problems can be seen on the 15-minute video titled "Rochester's Groundwater Guardian". Copies of the video are available at the Rochester Public Library.

Enclosed is a Decorah Edge brochure that was prepared by our office.

For additional information contact:

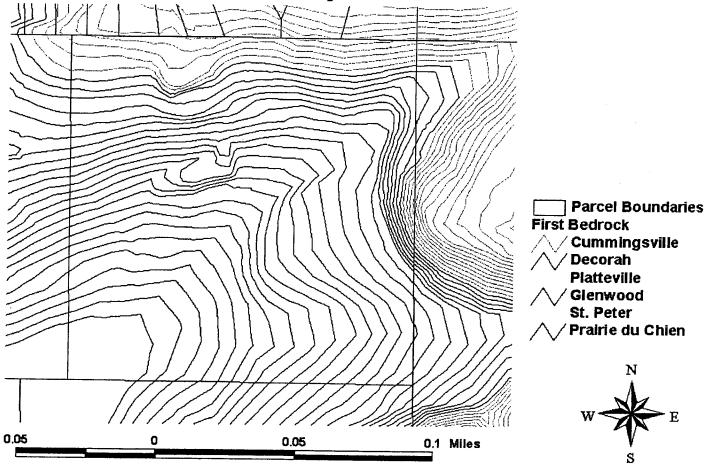
Olmsted County Environmental Services 2116 Campus Drive SE Rochester, MN 55905 (507) 285-8339 lee.terry@co.olmsted.mn.us

# Bedrock Geology of the Proposed Turkey Draw Subdivision





# Bedrock Geology of the Proposed Turkey Draw Subdivision



5/28/03 YCA #8308 LD2 203

## TURKEY DRAW GENERAL DEVELOPMENT PLAN

Turkey Draw is approximately 10.19 acres bounded by unplatted land to the south, west, and east, and Rose Harbor 2<sup>nd</sup> to the north.

The following is a written summary of the General Development Plan (GDP) in accordance with Appendix B E-3.

a) Topographic or soils conditions which, in the estimation of the applicant, may create potential problems in street, drainage, public utilities or building design and construction, and how these problems will be investigated further or engineered to overcome the limitations.

The Soil Survey of Olmsted County indicates hydric soils are located in the southeast corner of the property. An initial site visit did not reveal wetlands. Further study will take place before any construction begins. Shallow bedrock is indicated as well, and soil borings will be completed during the engineering phases to determine subsurface conditions and the bedrock depth in the areas of construction. Decorah shale is also present on the site.

b) Storm drainage problems which, in the estimation of the applicant, may result in costs that will exceed normal storm drainage costs.

The storm drainage does not appear to cause problems that will result in the increase of normal costs.

c) Identification of potential off-site drainage problems.

At this time, the applicant does not intend to construct ponds to handle the storm water run-off from this property. Participation in the city's storm water management plan is proposed. There should be no problems with off-site drainage created by this development.

30h

Turkey Draw General Development Plan Page 2

d) Availability of utilities to serve the area under consideration.

Sanitary sewer and water service is available in Harbor Drive S.E. It is intended that sewer and water be extended from the south to serve this property by gravity sewer, but a lift station may be considered depending on the timing of development.

e) Identification of possible erosion problems which may arise in the estimation of the applicant.

The areas of steeper slopes will be avoided where possible. The majority of these areas are shown on the GDP along the north and east boundary line and will be backyards or undeveloped. Where development encroaches into the steeper slopes, erosion control measures will be incorporated into the grading plan during final design.

f) A general statement as to the possible phasing of any development activity to occur on the property under the control of the applicant.

Generally from north to the south, but a final phasing plan has not yet been determined. A lot split is planned for the northwest corner including the existing house with the remainder planned for future development.

765

June II, 2003

To: Members of the Planning Commission for the City of Rochester

Re: Development Plan of Greg Munson

This evening my son Denis and I attended a neighborhood meeting at Yaggy Colby Associates in regard to the General Development Plan for the property of Greg Munson. As I understand it, this matter is on the agenda of your next meeting.

Mr. Munson owns ten acres in all. He presently has only one access to his property. The proposed plan as drafted would provide a second access to his property by the taking of some of my land which abuts his ten acres. I own 35 acres and presently have an offer of \$20,000 an acre. If for some reason the sale does not go through, then my children and I plan to develop the land ourselves. Last year Yaggy Colby drafted a development plan for all 71 acres of our property. Our development provides for very large lots with upscale houses, and would be an asset for the Southeast community. Our plan does not call for a roadway at this point. (We are at a loss to understand why Yaggy Colby would draft a plan for adjoining property which directly interferes with our plan.) It is my understanding that the buyer would also develop the land as we would. Either development would generate large amounts of taxes for the City of Rochester.

Could anyone in good conscience approve a plan which would in effect force me to give up some of my very valuable land to provide a second access for Mr. Munson's small development? I asked Mr. Dumond at the meeting whether there is a potential for some of of my land to be condemned to provide a second access to Mr. Munson's development, and he replied "Yes, but the City does not like to do this". This answer did little to aliay my concern.

We were told by Mr. Munson that he does not wish to proceed with development at this time, and that this plan was drafted only to satisfy the City's requirements to allow him to sell his home should he wish. As we all know, it would only be a matter of time once this development ph

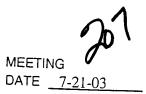
Page Two
June II, 2003
Members of the Planning Commission

is approved before the land would be developed, and the need for a second access would arise.

I feel that Mr. Munson should be asked to submit another draft of the development plan which would not infringe on another property owner's rights. It may well be that Mr. Munson will have to purchase additional land to provide for another roadway just as anyone else would do. If so, so be it. It certainly should not be incumbent on me to provide part of my valuable land for his second roadway, and I would certainly hope that the Members of this Board will agree with me.

I strongly oppose approval of the plan for development of Mr. Munson's property in its present form. Accordingly, I hereby request that approval of Mr. Munson's development plan be denied at this time.

Margaret L. Nelson



# REQUEST FOR COUNCIL ACTION

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO.
ITEM DESCRIPTION: Land Subdivision Permit (Prelin Partnership to be known as Scenic Oaks Third Addition 27.49 acres of land into 46 lots for residential develop of-way dedication for four roadways. The property is west of Scenic Oaks first Addition and allows for the and Scenic point Drive SW.	PREPARED BY: Brent Svenby, Planner	
luly 11, 2002		

July 11, 2003

# City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on June 25, 2003 to consider this preliminary plat to allow for a single family residential development.

Mark Welch of GGG Engineering stated that the applicant agrees with staff's recommended conditions and that they may apply for a design modification regarding the mid-block connection.

The Planning Commission found that this preliminary plat conforms to the criteria listed in the Land Development Manual and recommends approval of this preliminary plat with the following modifications or conditions:

- 1. The Plat shall be revised:
  - a. Dedicating a 30' wide outlot mid-block pedestrian connection in the vicinity of Lots 4 & 5 of Block 8.
  - b. Labeling the roadway segments west of Scenic View Drive SW and south of Scenic Point Drive SW.
- 2. Grading and Drainage Plan approval is required prior to submitting the Final Plat. The owner has previously constructed stormwater detention facilities that serve a portion of the Scenic Oaks development. Any areas of this subdivision that do not drain to an existing privately constructed detention facility are subject to a Storm Water Management Fee for the benefit of participation in the City's Storm Water Management Plan.
- 3. Pedestrian facilities (concrete sidewalk) shall be required, at the Owner's expense, along entire frontages of both sides of all new public roads within this Subdivision.
- 4. A mid-block pedestrian 30' wide outlot to be located in the vicinity of Lots 4 & 5, Block 3, shall be deeded to the City as a mid-block connection and the owner shall be obligated to grade and construct a 10' wide bituminous pedestrian path for this connection, prior to dedication to the City.
- 5. The applicant shall dedicate off-site drainage easement(s) for the stormsewer outlets draining to the south of
- 6. Dedication of parkland shall be met via: Cash in lieu of land with payment due prior to recordation of the final plat, as recommended by the City Park & Recreation Department in the attached memo, dated June 5, 2003.
- 7. The roadways illustrated as "Rosewood Lane SW" and "Teakwood Lane SW" and "Scenic Point Drive SW" shall be posted "No Parking" along one side of each roadway.

Mr. Haeussinger moved to recommend approval of Preliminary Plat #03-17 to be known as Scenic Oaks Third Addition with staff-recommended findings and conditions. Ms. Petersson seconded the motion. The motion carried

		*
COUNCIL ACTION: Motion by:		
Motion by:	Second by:	to.
		to:



Council Action Needed:

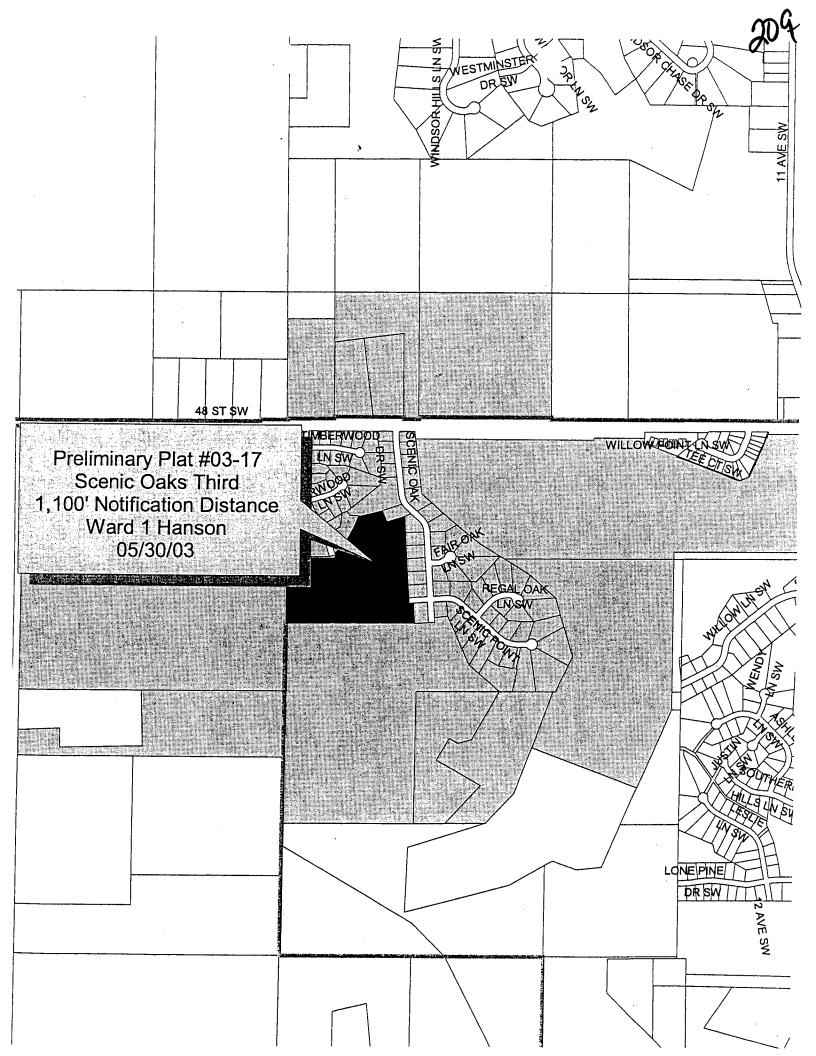
1) The Council may approve, approve with conditions, or deny the land subdivision permit. The Council must make findings of fact based on the criteria included in the staff report. A motion to deny must include supporting reasons for a conclusion that at least one of the fifteen findings for denial in Paragraph 61.225 can be made.

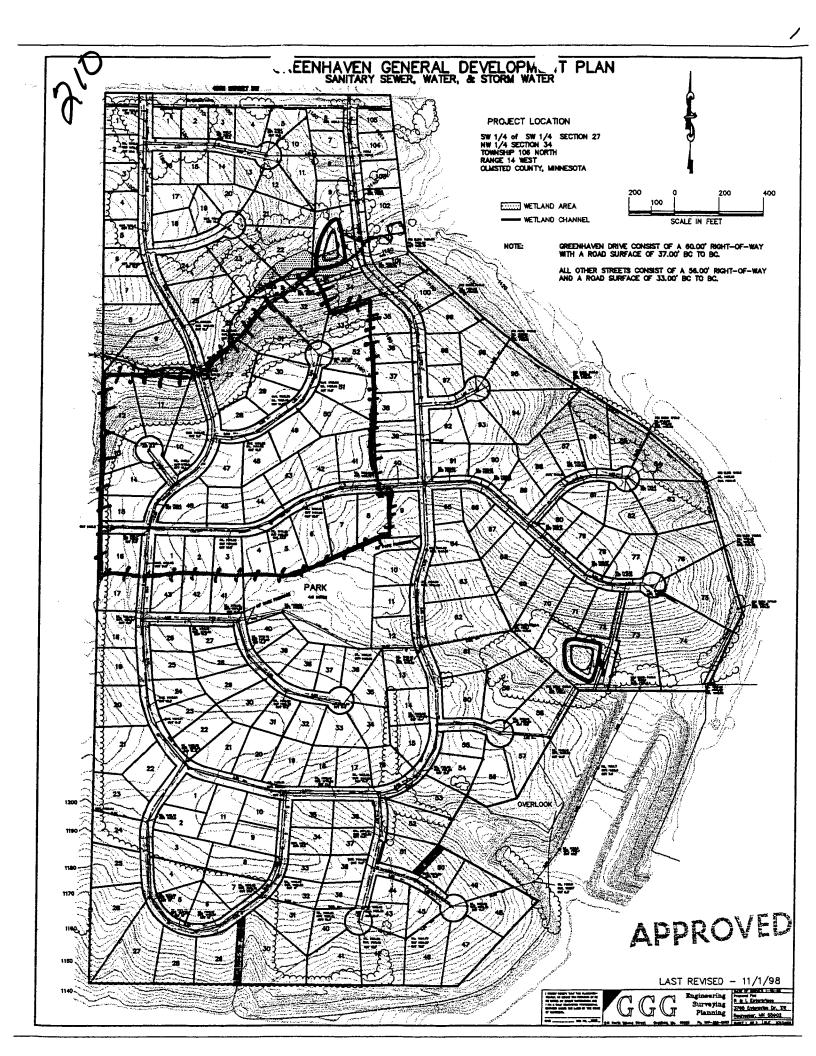
### Attachment:

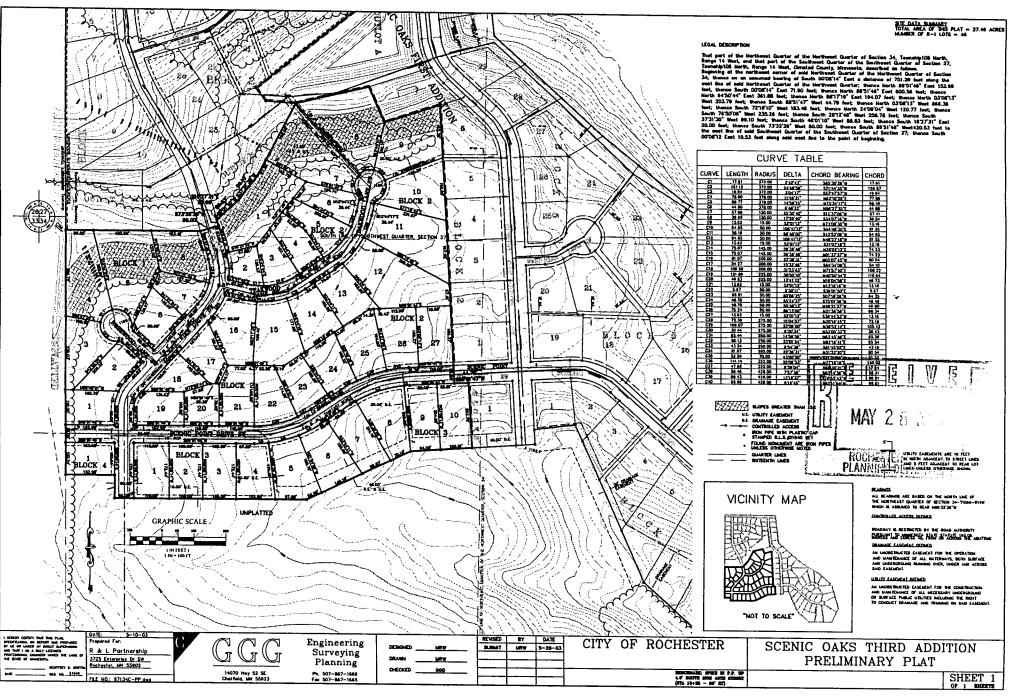
- 1. Staff Report dated June 19, 2003
- 2. Minutes of the June 25, 2003 CPZC Meeting

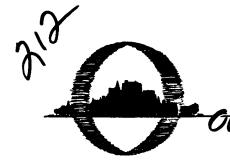
### **Distribution:**

- 1. City Administrator
- 2. City Attorney
- 3. Planning Department File
- 4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, July 21, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
- 5. GGG Engineering









ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

www.olmstedcounty.com/planning



TO:

City Planning and Zoning Commission

FROM:

Brent Svenby, Planner

DATE:

June 19, 2003

RE:

Land Subdivision Permit (Preliminary Plat) #03-17 by R & L

Partnership to be known as Scenic Oaks Third Addition. The Plat

proposes to subdivide 27.49 acres of land into 46 lots for

residential development. The plat also proposes right-of-way

dedication for four roadways. The property is located south of 48<sup>th</sup> Street SW and west of Scenic Oaks First Addition and allows for the continuation of Scenic View Drive SW and Scenic Point Drive

SW.

### Planning Department Review:

Applicant/Owner:

R & L Partnership 3725 Enterprise Drive

Rochester, MN 55902

Surveyors/Engineers:

GGG

14070 Hwy 52 SE Chatfield, MN 55923

**Referral Comments:** 

1. Rochester Public Works Department

2. Park and Recreation Department

3. Planning Dept - Wetlands

4. Planning Dept - Addressing staff

5. RPU - Water Division

6. Rochester Fire Department

7. Park and Recreation

8. MnDOT

**Report Attachments:** 

1. Referral Comments (5 letters)

2. Location Map

3. Copy of Preliminary Plat

4. Greenhaven approved GDP

### **Development Review:**

**Location of Property:** 

The property is located south of 48<sup>th</sup> Street SW and west of Scenic Oaks First Addition and allows for the

continuation of Scenic View Drive SW and Scenic Point

Drive SW.

Zonina:

The property is zoned R-1 (Mixed Single Family) on the



Page 2 Preliminary Plat 03-17 Scenic Oaks Third Addition June 19, 2003 213

Proposed Development:

Roadways:

Pedestrian Facilities:

zoning map.

This development is subdividing approximately 27.49 acres of land into 46 lots for single family development.

This plat proposes to dedicate right-of-way for four new roadways.

The first roadway is named "Scenic View Drive SW" and is designed with a 60' right-of-way. The roadway is a continuation of "Scenic View Drive SW" from the north. This roadway will continue southerly with future plats.

The second roadway is named "Scenic Pointe Drive SW" and is designed with a 56' right-of-way. This roadway is a continuation of "Scenic View Drive SW" from the east. This roadway will continue to the west when the land is developed. This roadway is indicated as less than 36 feet and will require "No Parking" signage along one side of the roadway.

The third roadway is named "Teakwood Lane SW" and is designed with a 50' right-of-way. This roadway is indicated as less than 36 feet and will require "No Parking" signage along one side of the roadway.

The fourth roadway is named "Rosewood Lane SW" and is designed with a 50' right-of-way. This roadway is indicated as less than 36 feet and will require "No Parking" signage along one side of the roadway.

Pedestrian facilities (concrete sidewalk) are required at the Owner's expense, along both sides of all new public roadways within this Subdivision.

Section 64.227 of the Land Development Manual requires the dedication of trails needed to maintain connectivity between and through subdivisions under the following circumstance "Across any block exceeding 600 feet in length which abuts a school or park site". According to the proposed preliminary plat, Block 3 exceeds the 600 feet in length and the area to the south will be a future public park. A mid-block connection (30' wide outlot) is required providing future connection from "Scenic Point Drive SW" to the unplatted land south of this proposed plat. Staff is suggesting that the mid-block connections be placed in the vicinity of Lots 4 & 5 of Block 3. The 30' wide midblock pedestrian connection outlot shall be deeded to the City as a mid-block connection and the owner shall be obligated to grade and construct a 10' wide bituminous pedestrian path for this connection, prior to dedication to the City.



Page 3
Preliminary Plat 03-17
Scenic Oaks Third Addition
June 19, 2003

Drainage:

The property drains to the north and south.

Grading and drainage plans will need to be approved by the City Public Works Department prior to the submittal

of the final plat.

The owner has previously constructed stormwater detention facilities that serve a portion of the Scenic Oaks development. Any areas of this subdivision that do not drain to an existing privately constructed detention facility are subject to a Storm Water Management Fee for the benefit of participation in the

City's Storm Water Management Plan.

Wetlands: The Soil Survey and National Wetland Indicator maps

were reviewed for the presence of wetlands. According to the Soils Survey, hydric soils do not exist on this

property.

Public Utilities: Utilities will need to be extended from their present

ends to serve these lots. Additional fire hydrants and

gate valves are needed.

Static water pressures within this area will range from

the low 70's to mid 80's PSI.

Spillover Parking: As per Section 63.426 of the LDM, all residential

development must provide spillover parking for service vehicles and visitors. This development requires 56 spillover-parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as

well.

Parkland Dedication: The Park & Recreation Department stated that

dedication requirements are met via: Cash in lieu of land with payment due prior to recordation of the final

plat.

General Development Plan: This preliminary plat is included in the Greenhaven

General Development Plan, approved in September

1998.

### Staff Review and Recommendation:

Section 61.225 of the Land Development Manual lists the findings, which must be considered by the Planning Commission, and the Council when reviewing a land subdivision permit application. This section is attached for your information.

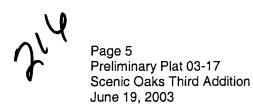
The Planning staff has reviewed this preliminary plat request for compliance with the Rochester Zoning Ordinance and Land Development Manual including Section 61.225 of the LDM. The staff recommends approval with the following conditions / modifications:

Page 4 Preliminary Plat 03-17 Scenic Oaks Third Addition June 19, 2003



### 1. The Plat shall be revised:

- a. Dedicating a 30' wide outlot mid-block pedestrian connection in the vicinity of Lots 4 & 5 of Block 8.
- b. Labeling the roadway segments west of Scenic View Drive SW and south of Scenic Point Drive SW.
- 2. Grading and Drainage Plan approval is required prior to submitting the Final Plat. The owner has previously constructed stormwater detention facilities that serve a portion of the Scenic Oaks development. Any areas of this subdivision that do not drain to an existing privately constructed detention facility are subject to a Storm Water Management Fee for the benefit of participation in the City's Storm Water Management Plan.
- 3. Pedestrian facilities (concrete sidewalk) shall be required, at the Owner's expense, along entire frontages of both sides of all new public roads within this Subdivision.
- 4. A mid-block pedestrian 30' wide outlot to be located in the vicinity of Lots 4 & 5, Block 3, shall be deeded to the City as a mid-block connection and the owner shall be obligated to grade and construct a 10' wide bituminous pedestrian path for this connection, prior to dedication to the City.
- 5. The applicant shall dedicate off-site drainage easement(s) for the stormsewer outlets draining to the south of the subdivision.
- 6. Dedication of parkland shall be met via: Cash in lieu of land with payment due prior to recordation of the final plat, as recommended by the City Park & Recreation Department in the attached memo, dated June 5, 2003.
- 7. The roadways illustrated as "Rosewood Lane SW" and "Teakwood Lane SW" and "Scenic Point Drive SW" shall be posted "No Parking" along one side of each roadway.



## CITY OF ROCHESTER ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL EXCERPTS

### 61.225 Finding for Land Subdivision:

The Zoning Administrator, Commission or Council shall approve a development permit authorizing a land subdivision if all of the following findings with respect to the proposed development are made:

- A. The proposed land subdivision conforms to all relevant requirements of this ordinance and variances have been granted to permit any nonconformance.
- B. That the proposed water system and sanitary sewer system are adequate to serve the normal and fire protection demands of proposed development and to provide for the efficient and timely extension to serve future development.
- C. That the plan for soil erosion and stormwater management meets the adopted standards of the City of Rochester and is consistent with the adopted Stormwater Management Plan or adopted drainage or stormwater policies.
- D. That the vehicular and non-motorized system is consistent with adopted transportation plans and is consistent with the street layout standards listed in Section 64.120 and traffic service standards in Section 61.526.
- E. That the lot and block layout provide for safe and convenient vehicular, service and emergency access, efficient utility service connections, and adequate buildable area in each lot for planned uses.
- F. That the proposed land subdivision has taken into account the current 6-Year and other Long-Range Capital Improvements Programs and the elements listed therein in the design of the subdivision.
- G. That the proposed subdivision, if in a resident zoning district, -addresses the need for spillover parking consistent with the requirements of Section 63.426.
- H. That right-of-ways and easements of adequate size and dimensions are -provided for the purpose of constructing the street, utility, and drainage facilities needed to serve the development.
- I. That the proposed parks, trail thoroughfares and open space dedications are consistent with adopted plans, policies and regulations.
- J. That the proposed subdivision will not have off-site impacts on the street, drainage, water or wastewater systems that exceed adopted standards.
- K. That the proposed subdivision will not have adverse impacts on the safety or viability of permitted uses on adjacent properties.
- L. That the proposed land subdivision is designed in such a manner as to allow for continued development in an efficient manner on adjacent undeveloped lands.

Page 6 Preliminary Plat 03-17 Scenic Oaks Third Addition June 19, 2003



- M. That the soils, topography and water tables have been adequately studied to ensure that all lots are developable for their designated purposes.
- N. That the proposed land subdivision is consistent with the standards of the City's adopted Comprehensive Plan.
- O. That any land located within Zone A as shown as on the currently adopted Flood Boundary and Floodway Maps of the Flood Insurance Study, Rochester, Minnesota prepared by the Federal Emergency Management Agency, is -determined to be suitable for its intended use and that the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitation for development, severe erosion potential or any other floodplain related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with this ordinance.
- P. That the proposed land subdivision, if approved, would not result in a violation of federal or state law, or the city or county ordinance.

### 61.226 Conditions on Approvals:

In considering an application for development permit to allow a land subdivision, the approving body shall consider and may impose modification or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Section 61.225.



### ROCHESTER

### - Minnesota

TO: Consolidated Planning Department 2122 Campus Drive SE Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS 201 4<sup>th</sup> Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 6/13/03

The Department of Public Works has reviewed the application for <u>Preliminary Plat #03-17</u>, for <u>Scenic Oaks Third Addition</u>. The following are Public Works comments on this request:

- 1. A Development Agreement has been executed for this Property.
- 2. Grading & Drainage Plan approval is required for this development prior to Final Plat submittal.
- 3. The Owner has previously constructed stormwater detention facilities that serve a portion of the Scenic Oaks developments. Any areas of this subdivision that do not drain to an existing privately constructed detention facility are subject to a Storm Water Management fee for the benefit of participation in the City's Storm Water Management Plan (SWMP).
- 4. Off-site drainage easement(s) will be required for the stormsewer outlets draining to the south of this subdivision.
- 5. Execution of a City-Owner Contract will be required prior to construction of any public infrastructure to serve this development.
- 6. Construction of pedestrian facilities are required, at the Owner's expense, along the entire frontages of both sides of all public streets within this subdivision.
- 7. Preliminary Construction Plan comments will be provided separately to the Developer's Engineer.

Charges/fees applicable to the development of this property will be included in the City-Owner Contract and will include (rates below are current through 7/31/03):

- ❖ The Water Availability Charge is \$1298.94 per developable acre plus interest at 7.5 % from 3/6/95 for City Project J9266
- Storm Water Management, for any areas that do not drain to the on-site detention facilities @ \$2,211.76 per developable acre
- ❖ Traffic Signs as determined by the City Engineer.
- ❖ First Seal Coat @ \$0.49 per square yard of public street surface.



# ROCHESTER PARK AND RECREATION DEPARTMENT 201 FOURTH STREET SE ROCHESTER MINNESOTA 55904-3769 TELE 507-281-6160 FAX 507-281-6165

### MEMORANDUM

DATE:

June 5, 2003

TO:

Jennifer Garness

**Planning** 

RE:

Scenic Oaks Third

Preliminary Plat 03-17

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land with payment due prior to recordation of the final plat.



June 5, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: Preliminary Plat #03-17 by R&L Partnership to be known as Scenic Oaks Third Addition.

Dear Ms. Garness:

Our review of the referenced preliminary plat is complete and our comments follow:

- 1. Static water pressures within this area will range from the low 70's PSI to mid 80's PSI.
- 2. Revisions to the proposed water system layout are required, such as adding fire hydrants and gate valves per our requirements. We have provided the applicant's engineering firm with these comments.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention Bureau
Gary Schick, Building & Safety
R&L Partnership
Geoffrey Griffin, GGG Engineering



DATE: June 5, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher

Fire Protection Specialist

SUBJ:

Land subdivision Permit (Preliminary Plat) #03-17 by R & L Partnership to be known as Scenic Oaks Third Addition. The Plat proposes to subdivide 27.49 acres of land into 46

lots for residential development.

With regard to the above noted project plan, the fire department has the following requirements:

- 1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
- Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning
  Ordinance and Land Development Manual. Emergency vehicle access roadways shall be
  serviceable prior to and during building construction.
  - a) Streets less than 36 feet in width shall be posted "No Parking" on one side of the street. Streets less than 28 feet in width shall be posed "No Parking" on both sides of the street. Scenic Point Drive SW, Rosewood Lane SW, and Teakwood Lane SS shall be posted no Parking on one side of these roadways.

b)

- 3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
- 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division
   R&L Partnership 3725 Enterprise Dr SW Rochester, MN 55902
   GGG Engineering & Surveying 14070 Hwy 52 SE Chatfield, MN 55923







Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 Fax: (507) 287-2275

### **PLAT REFERRAL RESPONSE**

DATE:

June 13, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff Rochester-Olmsted County Planning Department

CC:

RE:

SCENIC OAKS THIRD ADDITION PRELIMINARY PLAT #03-17

A review of the **preliminary plat** has turned up the following **ADDRESS** and **ROADWAY** related issues.

1. The short stretch of roadway north of Lot 1, Block 4 needs be designated.

RECOMMENDATION: Label roadway as SCENIC POINT DRIVE SW.

2. The short stretch of roadway east of Lot 1, Block 4 needs be designated.

RECOMMENDATION: Label roadway as SCENIC VIEW DRIVE SW.

223

# MINUTES OF THE CITY OF ROCHESTER PLANNING COMMISSION 2122 CAMPUS DRIVE SE – SUITE 100 ROCHESTER MN 55904

Minutes of the regularly scheduled meeting of the City Planning and Zoning Commission held on Wednesday, June 25, 2003, at 7:00 p.m. in the Council/Board Chambers of the Government Center, 151 4th Street SE, Rochester, MN.

<u>Members Present</u>: Ms. Lisa Wiesner, Chair; Mr. Michael Quinn, Vice Chair; Ms. Mary Petersson; Ms. Leslie Rivas; Mr. Randy Staver; Mr. Robert Haeussinger; and Mr. James Burke

Members Absent: Mr. Paul Ohly and Mr. ivahn Dockter

Staff Present: Ms. Mitzi A. Baker and Ms. Jennifer Garness

Other City Staff Present: None

### **ADMINISTRATIVE BUSINESS:**

Mr. Staver made a motion to approve the minutes of June 11, 2003, as written. Mr. Burke seconded the motion. The minutes from June 11, 2003 were approved unanimously.

Ms. Petersson made a motion to approve the agenda, adding the appointment to the Cascade Lake Citizen Advisory Group. Mr. Quinn seconded the motion. The motion carried unanimously.

### **CONTINUED ITEMS:**

Type III, Phase II Conditional Use Permit #03-12 by Southern Woods Development LLC to allow for the placement of fill in the flood prone district. The proposal is to grade and place fill within the flood prone district. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located south of 48th Street SW, west of TH 63 and east of 11th Avenue SW.

The applicant's representative, Mr. Mark Welch, of GGG Engineering (14070 Highway 52 SE, Chatfield MN 55923), addressed the Commission. He asked that the item be continued to July 23, 2003 so that they can submit additional information.

Mr. Staver moved to continue Type III, Phase II Conditional Use Permit #03-12 by Southern Woods Development LLC to July 23, 2003. Ms. Rivas seconded the motion. The motion carried 7-0.

### **PUBLIC HEARINGS:**

Land Subdivision Permit (Preliminary Plat) #03-17 by R & L Partnership to be known as Scenic Oaks Third Addition. The Plat proposes to subdivide 27.49 acres of land into 46 lots for residential development. The plat also proposes right-of-way dedication for four roadways. The property is located south of 48<sup>th</sup> Street SW and west of Scenic Oaks first



Page 2

City Planning and Zoning Commission Minutes

Hearing Date: June 25, 2003

### Addition and allows for the continuation of Scenic View Drive SW and Scenic point Drive SW.

Ms. Mitzi A. Baker presented the staff report, dated June 19, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Baker asked if there was anyone in the audience present, besides the applicant's representation. There was no response.

The applicant's representative, Mark Welch, of GGG Engineering (14070 Highway 52 SE, Chatfield MN 55923), addressed the Commission. He indicated that he would be submitting a design modification to the City Council with regard to the mid-block connection. Also, the applicant will work with the Park and Recreation Department with regard to parkland dedication prior to the City Council meeting.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Haeussinger moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-17 by R & L Partnership to be known as Scenic Oaks Third Addition with staff-recommended findings and conditions. Ms. Petersson seconded the motion. The motion carried 7-0.

### CONDITIONS:

- 1. The Plat shall be revised:
  - a. Dedicating a 30' wide outlot mid-block pedestrian connection in the vicinity of Lots 4 & 5 of Block 8.
  - b. Labeling the roadway segments west of Scenic View Drive SW and south of Scenic Point Drive SW.
- 2. Grading and Drainage Plan approval is required prior to submitting the Final Plat. The owner has previously constructed stormwater detention facilities that serve a portion of the Scenic Oaks development. Any areas of this subdivision that do not drain to an existing privately constructed detention facility are subject to a Storm Water Management Fee for the benefit of participation in the City's Storm Water Management Plan.
- 3. Pedestrian facilities (concrete sidewalk) shall be required, at the Owner's expense, along entire frontages of both sides of all new public roads within this Subdivision.
- 4. A mid-block pedestrian 30' wide outlot to be located in the vicinity of Lots 4 & 5, Block 3, shall be deeded to the City as a mid-block connection and the owner shall be obligated to grade and construct a 10' wide bituminous pedestrian path for this connection, prior to dedication to the City.
- 5. The applicant shall dedicate off-site drainage easement(s) for the stormsewer outlets draining to the south of the subdivision.
- 6. Dedication of parkland shall be met via: Cash in lieu of land with payment due prior to recordation of the final plat, as recommended by the City Park & Recreation



Department in the attached memo, dated June 5, 2003.

7. The roadways illustrated as "Rosewood Lane SW" and "Teakwood Lane SW" and "Scenic Point Drive SW" shall be posted "No Parking" along one side of each roadway.

Zoning District Amendment #03-13 by Greg Munson. The applicant is proposing to one approximately 10.19 acres of land from the I (Interim) district to the R-1 (Mixed Single Family) zoning district. The property is located south of Harbor Drive SE and east of Sunrise Avenue SE. A General Development Plan is being considered concurrent with this application.

AND

General Development Plan #212 by Greg Munson to be known as Turkey Draw. The applicant is proposing to develop approximately 10.19 acres of land with single family residential uses. The property is located south of Harbor Drive SE and east of Sunrise Avenue SE. A Zoning District Amendment is being considered concurrent with this application.

Ms. Mitzi A. Baker presented the staff reports, dated June 19, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Ms. Baker explained that there was a typographical error in the zoning district amendment findings. The property would actually be zoned R-1 and not R-1x.

Mr. Staver asked staff to comment on the letter from Margaret Nelson regarding providing access through her property.

Ms. Baker responded that Ms. Nelson objects to a public road going through the development and connecting to her property. She stated that the general development plan may appear a little backward, since it shows the public road coming out of the adjacent property when they do not have an approved plan on that site yet. However, the first property designed must have a plan for roadways. She indicated that she believes staff would require an access in that area for a connection to a roadway, regardless of who filed a general development plan first.

Mr. Staver asked, if the development to the south didn't occur, would there only be access to the north.

Ms. Baker stated that staff is asking for an access to the west as well.

Ms. Wiesner asked why an access would not occur to the east.

Ms. Baker responded that there were topography issues.

Ms. Rivas stated that it made more sense to line up the roadway to the west with the other roadway.

Ms. Baker the applicant is proposing a private access to serve a few lots that do not have any frontage on the public road. Therefore, it acts more like a shared private driveway.

Mr. Burke asked how utilities would serve the area.



MEETING 7-21-03 227

AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	E-13
ITEM DESCRIPTION: Final Plat #03-22 to be	known as Chateau First Replat	PREPARED BY: Mitzi A. Baker, Senior Planner

July 16, 2003

### Staff Recommendation:

Staff has reviewed this final plat for compliance with the applicable regulations and recommends approval subject to the following conditions/modifications:

- 1. Water service is currently not available to Lot 2. A utility easement shall be provided crossing Lot 1 to serve Lot 2. An additional public utility easement shall be provided along the south-easterly side of Lot 2 to accommodate additional utilities. The Final Plat documents must be revised to add the utility easements as required by RPU and the City.
- 2. Prior to recording the final plat documents, the E911 Addressing and GIS Impact fee's shall be paid as specified in the attached memorandum from the Planning Department GIS/Addressing staff dated July 8, 2003.
- 3. Access to Lot 2 shall be internal from within this subdivision, or from Chataeu Subdivision. NO direct access is permitted from East Circle Drive NE/CR 22.

### Council Action Needed:

1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.

### **Distribution:**

- 1. City Clerk
- 2. City Attorney
- 3. Planning Department File
- 4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday July 21, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
- 5. McGhie & Betts, Inc.

COUNCIL ACTION: Motion by:	Second by:	to:	

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	JUL	<b>- 3</b> 2003		E

### CHATEAU FIRST REPLAT

### SURVEYOR'S CERTIFICATE I hereby certify that I have surveyed and platted the property described on this plot on CHATEAU FIRST REPLAT: that this plat is a correct representation of the survey. that all distances are correctly shown on the plat in feet and hundredths of a foot; that all manuments will be correctly placed in the ground as designated; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands as defined in MS 505.02. Subd. 1, or public highways to be designated other than as shown. James E. Swanson, L.S. Minnesola License No. 11622 State of Minnesota

		certificate					•
before	me, a	Natory Publ	lic, t	his	_	day of	
				2003.			

Notary Public, Dadge County,	Minnanota
My commission expires:	

	acked mathematically, applicable lows, this
 ay of	2003.

County Surveyor

COUNTY SURVEYOR

County of Olmsted

CITY APPROVAL

County of Classical City of Rochester

i, Judy K. Scharr, City Clerk, in and for the City of Rochester, do hereby certify that on the \_\_\_\_\_day of

., 2003, the accompanying plat was duly approved by the Common Council of the City of Rochester.

in testimony thereof I have bersunto signed my same and officed the seal of said City of Rochester this \_\_

Judy K. Scherr, City Clerk

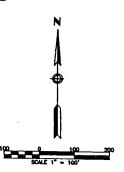


### DOCUMENT NUMBER \_\_

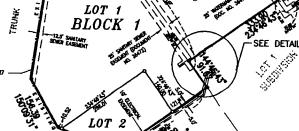
I hereby certify that this instrument was filed in the Office of the Registrer of \_\_ day of \_\_

Registror of Titles - Property Records & Licensing

Deputy



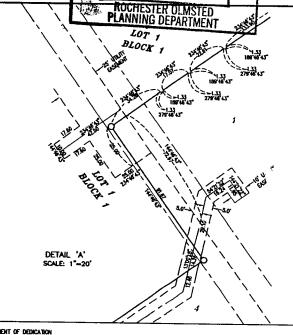




HE'TY LINE CLIMSTED CO. HINY R/W PLAT NO. 28 (DOC. NO. 36473 AND GCD DOC. NO. 44229)— TEAST CHCLE DRIVE NE.

AL MONAMORS SHOWN THAN & ME FOUND 5/A" D FIFE UNLESS

BISS OF HEADING SYSTEM ; PLAT BEADINGS ARE MEMBERSHIP STATE PLANE CHIED ASSAULTS DESIRED TO THE MEMBERSHIP STATE ASSAULTS DESIRED TO THE MEMBERSHIP



KNOW ALL MEN BY THESE PRESENTS: That Shapka Properties, Inc., a Minnesota Corporation, owner and proprietor of the following described property situated in the City of Rochester, State of Minnesota, to wit:

Lot 3, Block 1, CHATEAU SUBDIVISION Rochester, Minnesota

has caused the same to be surveyed and plotted as CHATEAU PREST REPLAT and does hereby dedicate to the public for the public use forever, the essentents as shown on this plot for drainage and utility purposes only.

n witness whereof sold Shopko Properties, inc., a Minesota Corporation, has caused t ligned by its proper officers this	heme presents to be
ihooko Properties, Inc.	

Notory Public, \_\_\_

### ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



www.olmstedcounty.com/planning



TO:

Rochester Common Council

FROM: Mitzi A. Baker, Senior Planner

DATE:

July 16, 2003

RE:

Final Plat #03-22 to be known as Chateau First Replat by GAC & M Properties, LLC. The applicant is proposing to re-subdivide Lot 3, Block 1 Chateau Subdivision into 2 lots for development. The property is located along the north side of East Circle Drive NE

(CSAH 22) and along the east side of TH 63.

### Planning Department Review:

Applicant/Owner:

GAC & M Properties, LLC

3805 SE 20th St. Rochester, MN 55904

Surveyors/Engineers:

McGhie & Betts, Inc. 1648 Third Ave. SE Rochester, MN 55904

**Report Attachments:** 

1. Referral Comments

2. Location Map

3. Copy of Final Plat

### Plat Data:

**Location of Property:** 

This plat is located along the north side of East Circle Drive NE

(CSAH 22) and along the east side of TH 63.

Zoning:

The property is zoned B-4 (General Commercial).

**Proposed Development:** 

The Plat proposes to re-plat Lot 3, Block 1 Chateau Subdivision

into two lots. Shopko is located on Lot 1, Block 1, Lot 2 would

facilitate additional development in the B-4 district.

Streets:

There are no new roadways being dedicated with this Plat. The

adjacent road right-of-way was previously dedicated or platted.



### Planning Staff and Recommendation:

Staff would recommend approval subject to the following conditions:

- 1. Water service is currently not available to Lot 2. A utility easement shall be provided crossing Lot 1 to serve Lot 2. An additional public utility easement shall be provided along the south-easterly side of Lot 2 to accommodate additional utilities. The Final Plat documents must be revised to add the utility easements as required by RPU and the City.
- 2. Prior to recording the final plat documents, the E911 Addressing and GIS Impact fee's shall be paid as specified in the attached memorandum from the Planning Department GIS/Addressing staff dated July 8, 2003.
- 3. Access to Lot 2 shall be internal from within this subdivision, or from Chataeu Subdivision. NO direct access is permitted from East Circle Drive NE/CR 22.

### ROCHESTER



— Minnesota

TO: Consolidated Planning Department

2122 Campus Drive SE Rochester, MN 55904 DEPARTMENT OF PUBLIC WORKS 201 4<sup>th</sup> Street SE Room 108 Rochester, MN 55904-3740 507-287-7800 FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 7/16/03

The Department of Public Works has reviewed the application for <u>Final Plat #03-22</u>, for the <u>Chateau First Replat (replat of Lot 3, Block 1, Chateau Subdivision)</u>. The following are Public Works comments on this request:

- The extension of sanitary sewer to serve this property, if done as a City project, will require the prior execution of a Contribution Agreement by the benefiting property Owner(s). The Owner's consulting engineer has indicated that they anticipate gaining sewer service from within the existing subdivision, or from the existing sewer in North Broadway Avenue.
- 2. If the extension of public watermain and/or the addition of hydrant(s) is required, then execution of a City-Owner Contract will be required prior to development of proposed Lot 2, Block 1.
- 3. Access to Lot 2 shall be internal from within this subdivision, or from Chataeu Subdivision. No direct access is permitted from East Circle Dr NE.

Development Charges applicable to this Property include (rate in place through 7/31/03):

- Sewer Availability Charge (SAC) @ \$1790.25 per acre
- ❖ Water Availability Charge (WAC) @ \$1790.25 per acre

Note: The SAC & WAC charges will be due within 30 days invoicing by the City, prior to development, re-development of each Lot, or through the City-Owner Contract process if required.







Rochester-Olmsted Planning Department GIS/Addressing Division 2122 Campus Drive SE Rochester, MN 55904-4744

Phone: (507) 285-8232 Fax: (507) 287-2275

### **PLAT REFERRAL RESPONSE**

DATE:

July 8, 2003

TO:

Jennifer Garness

FROM:

Randy Growden

GIS/Addressing Staff
Rochester-Olmsted County

Planning Department

CC:

Pam Hameister, Wendy Von Wald;

RE:

**CHATEAU FIRST REPLAT** 

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

**E911 ADDRESSING FEE:** 

\$20.00 (1 LOTS/ADDRESSES)

GIS IMPACT FEE:

\$210.00 (2 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.

2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

Note: Only one lot considered for addressing, as lot one of this plat is where Shopko North is and already has an address.

### **Garness Jennifer**

From: Sent: Julia Schletty [jschlet@qwest.com] Monday, July 07, 2003 2:09 PM

To:

Garness Jennifer

Subject:

Re: Referral Comments Requested - Final Plat #03-22 Chateau First Replat

### JENNIFER,

QWEST does not have any objections, but recommends a "public utility easement" along the south-easterly side of lot 2. There appears to to a 10' electrical easement along the adjacent property, but one should be available for all utilities. Especially, if another lot is to be developed to the north in the future.

Julie Schletty Qwest Engineer



July 8, 2003

Rochester-Olmsted CONSOLIDATED PLANNING DEPARTMENT 2122 Campus Drive SE Rochester, MN 55904-7996

REFERENCE: Final Plat #03-22 by GAC & M Properties, LLC to be known as Chateau First Replat re-subdividing Lot 3, Block 1 Chateau Subdivision into 2 lots for development.

Dear Ms. Garness:

Our review of the referenced final plat is complete and our comments follow:

1. Direct water service is not available to Lot 2. A utility easement is required for either a private water service or a public water main extension crossing Lot 1 to serve Lot 2. We have not yet reviewed any plans to serve this lot with water.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
GAC & M Properties, LLC
McGhie & Betts, Inc.

n Richarde

### Minnesota Department of Transportation

Minnesota Department of Transportation - District 6 Mail Stop 060 2900 48th Street N.W. Rochester, MN 55901-5848

Fax: 507-285-7355 E-mail: dale.maul@dot.state.mn.us

Office Tel: 507-280-2913

July 10, 2003

Jennifer Garness Rochester-Olmsted Planning Department 2122 Campus Drive SE – Suite 100 Rochester, MN 55904

0 E Ma

Re:

Final Plat #03-22 to be known as Chateau First Replat by GAC & M Properties, LLC. The applicant is proposing to re-subdivide Lot 3, Block 1 Chateau Subdivision into 2 lots for development. The property is located along the north side of East Circle Drive NE (CSAH 22) and along the east side of US 63.

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the Chateau First Replat proposal by GAC & M Properties, LLC. Mn/DOT requests that all City set back regulations be implemented to ensure the proper sight distances at the Intersection of US 63 and CSAH 22.

Thank you for the opportunity to comment on this proposal. Please contact Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777 with any questions you may have.

Sincerely,

Dale E. Maul

Planning Director



MEETING

237

REQUEST FOR	COUNCIL ACTION	MELTING
		DATE: <u>7/21/03</u>
AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
Reports & Recommendations:	CITY ADMINISTRATOR	F-(
ITEM DESCRIPTION: Development Assistance Agreeme	ent with DeWitz Construction for	the PREPARED BY:
single family home construction in Rose Harbor	Estates Subd.	T.SPAETH_
A Development Assistance Agreement between the construction of owner occupied single family dwelling. The Council approved establishment of a tax increments the Development Agreement are as follows:  Responsibilities of the Builder: The builder is respons to the 20 lots within the TIF district. Commencing substantially completed by August 1, 2006. The hon Homes' eligibility requirements, along with the City remains a "qualified" housing district.  City's Responsibility: The Council has agreed to preprovided "up front", and by that I mean that the City time that DeWitz Construction sells the completed here.  COUNCIL ACTION REQUESTED:  Council authorization for the execution of a Devendayor & City Clerk for the Rose Harbor Estates 2"  ** Please note that a copy of the Development has it is essentially the same as previously approved "its construction in the construction in the construction is a previously approved "its construction is a previously approved to the previously approved "its construction is a previously approved "its construction is a previously approved to the	engs on 20 lots located in Rose Harbor lent financing district in these subdivisions the financing district in these subdivisions of 20 single of construction activities is to take planes must be sold to an eligible homebur's income eligibility requirements to end ovide a total of \$200,000 in assistance will pay DeWitz Construction \$ 10,000 ome to an eligible homebuyer.  The elopment Assistance Agreement with and 4th Subdivisions (# 26-1) Tax is not been included in the packet due.	Estates 2 <sup>nd</sup> and 4 <sup>th</sup> Subdivisions. Sions. The major points within the fact that the Tip district the DeWitz Construction by the Increment Financing project at the fact that
COUNCIL ACTION: Motion by: Se	econd by: to:	



MEETING

239

NEQUEUT TON ON	JONOIL ACTION	DATE: 7/21/03
ACENDA CECTIONI	ORIGINATING DEPT:	ITEM NO.
AGENDA SECTION: Reports & Recommendations:	CITY ADMINISTRATOR	F-2
ITEM DESCRIPTION: Development Assistance Agreement	with Bigelow & Sons Enterprises	PREPARED BY:
Inc. for the single family home construction in Kin		T.SPAETH
A Development Assistance Agreement between the City prepared for the construction of owner occupied single f Subdivision. The Council previously approved establish major points within the Development Agreement are as  **Responsibilities of the Builder:* The builder is responsion the 10 lots within the TIF district. Commencing of a substantially completed by August 1, 2006. The homes Homes" eligibility requirements, along with the City's in City's Responsibility: The Council has agreed to proviprovided "up front", and by that I mean that the City will time that Bigelow Enterprises sells the completed home  **COUNCIL ACTION REQUESTED:*  Council authorization for the execution of a Develop the Mayor & City Clerk for the Kingsbury Hills Phase*  ***Please note that a copy of the Development Agree length and the fact that it is essentially the same as provided to	y of Rochester and Joel Bigelow & Sons amily dwellings on 10 lots located in Kinment of a tax increment financing districtions:  Able for the construction of 10 single fame construction activities is to take place by must be sold to an eligible homebuyer the name of \$100,000 in assistance. The Il pay Bigelow Enterprises \$10,000 / lot to an eligible homebuyer.	s Enterprises, Inc. has been ingsbury Hills Third ict in this subdivision. The aily owner occupied homes October 1, 2003 and be hat meets both the "First e assistance is to be (total \$100,000) at the Sons Enterprises, Inc. by ancil packet due to its
COUNCIL ACTION: Motion by: Second	d bv. to.	



MEETING 241 DATE: 7/21/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
RESOLUTIONS AND ORDINANCES	CITY ATTORNEY'S OFFICE	G
ITEM DESCRIPTION: RESOLUTIONS AND ORDINANCES		PREPARED BY: TERRY ADKINS

- G. 1. RESOLUTIONS
- G. 2. FIRST READING OF ORDINANCES, as appropriate.
- G. 3. SECOND READING OF ORDINANCES (for adoption).
  - a) An Ordinance Rezoning Approximately 38.70 Acres of Property From the I Zoning District To The M-1 Zoning District, And Amending Ordinance No. 2785, Known As The Zoning Ordinance And Land Development Manual Of The City Of Rochester, Minnesota. Said property is located East of the Shopko and Menards South Stores and 28<sup>th</sup> Street SE and North of Highway 52.
  - b) An Ordinance Annexing To The City Of Rochester Approximately 59.92 Acres of Land Located In A Part Of The Northwest Quarter of Section 29, Township 107 North, Range 14 West, Olmsted County, Minnesota. Said property is located North of 19<sup>th</sup> Street NW and East of 50<sup>th</sup> Avenue NW.
  - c) An Ordinance Annexing To The City Of Rochester Approximately 26.4 Acres Of Land Located In A Part Of The East Half Of The Northwest Quarter Of The Northeast Quarter, A Part Of The West Half Of The Northwest Quarter Of The Northeast Quarter, And A Part Of The Northeast Quarter Of The Northwest Quarter Of Section 24, Township 107 North, Range 14 West, Olmsted County, Minnesota. Said property is located North of Northway Lane NE, East of Northland Place NE, North of Baffin Lane NE, and East of Highway 63.
  - d) An Ordinance Annexing To The City of Rochester Approximately 39.7 Acres Of Land Located In The Northeast Quarter Of The Northeast Quarter of Section 24, Township 107 North, Range 14 West, Olmsted County, Minnesota. Said property is located North of 16<sup>th</sup> Avenue NE and Northwood Hills Second Subdivision.
  - e) An Ordinance Amending And Reenacting Subdivision 4 Of Section 7.03 Of The Home Rule Charter Of The City of Rochester, Relating To the Removal Process For Charter Board Members.

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OUNCIL ACTION: Motion by:	Second by:	to:
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